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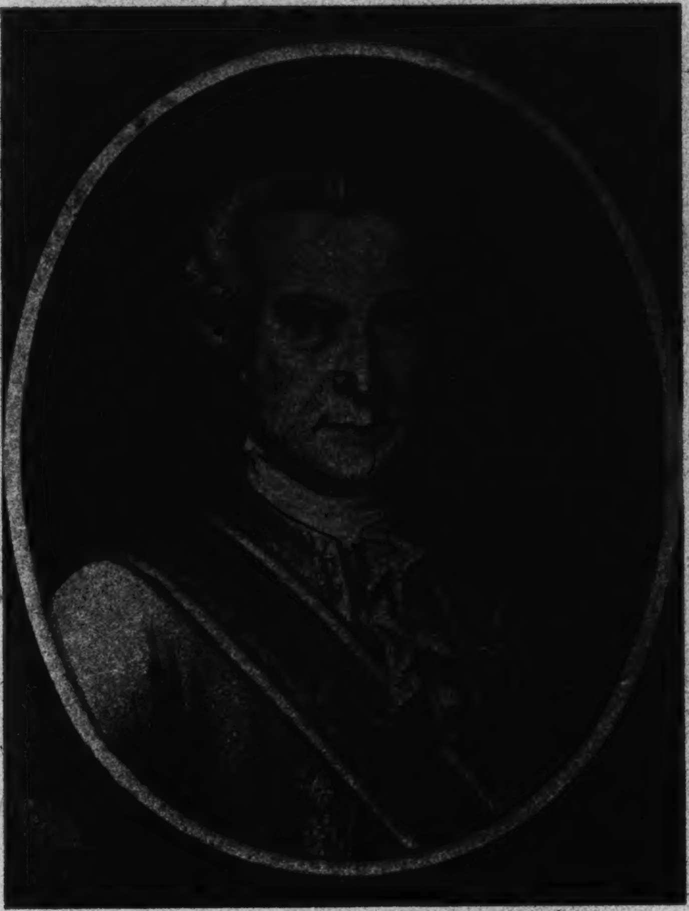

JOSÉ DE GÁLVEZ
Visitor-General of New Spain
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JOSÉ DE GÁLVEZ

VISITOR-GENERAL OF NEW SPAIN

(1765-1771)

BY

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TO MY WIFE

PREFACE

The reign of Charles III of Spain has long been attractive to students of history by reason of the peculiar fecundity of ideas and interests which characterized that monarch's benevolent efforts to give his country the political greatness, material prosperity, and intellectual freedom which would place it again at the forefront among the nations. His essential worthiness, even greatness, of character, his wisdom in reform, his peculiar problems, his purposes and plans in dealing with them, have been amply set forth by writers who, like Beccatini, Fernán-Núñez, Ferrer del Río, Danvila y Collado, Rousseau, and Addison, have concerned themselves with the life of Charles or the peculiarly European questions of his reign. From the viewpoint of American affairs, however, little has been written.

The measure of success which attended the work of this the greatest of the Spanish Bourbons was largely due to the sagacity with which he chose his ministers of state, but still more essentially was it due to the faithfulness and loyalty with which he upheld them in the discharge of duties intrusted to them. It is for this reason, as well as because writers have occupied themselves with Charles' European problems chiefly, that we know Esquilache, Grimaldi, Floridablanca, or those two other public servants who were not ministers of state, Aranda and Campomanes, better than we know Arriaga or Gálvez.

A very minor importance has been conceded to José de Gálvez among the ministers of Charles III. He is hardly better known in America than his nephew, Bernardo de Gálvez, whose career in Louisiana and New Spain was due to the consistent protection of the older and more powerful man. And yet José de Gálvez was, with the possible exception of the second Revillagigedo, the most able representative of the Spanish crown in New Spain during the eighteenth century. He certainly was the most competent Minister of the Indies during the Bourbon régime. It was largely due to his constructive statesmanship in that capacity that the material prosperity of the American possessions, and hence of the mother country, made possible the great strides in national development for which other men have received full measure of attention and praise.

José de Gálvez began his public career shortly after the beginning of the reign of Charles, and continued in the public service until the day of his death, which preceded that of the King by about a year.

Inasmuch as the later efficiency of Gálvez in his ministry was due to experience gained in actual field service in New Spain as visitor-general of the affairs of public finance (1765–1771), and inasmuch as the policy he was later to pursue was formulated and initiated during the years of his residence in America, it has seemed wise to restrict the scope of the present study to the activities of those years. In so doing the aim has been to present the measures initiated by Gálvez as visitor-general in their connection with the general colonial policy and its reform. To this end a study of the visitation, and of the department of public finance (real hacienda), constitute the body of the work.

For the proper study of this visitation it has seemed wise to give in an introductory chapter an outline of the Spanish commercial and colonial policy and a brief statement of the international relations of Spain during the domination of the House of Bourbon which made necessary the errand of Gálvez to New Spain. For the same reason the condition of New Spain itself and its needs for reorganization are then set forth. In the main, well-known authorities have been used for this development. In the remainder of the study hitherto unused materials form the basis of the discussion, which continues with a presentation of the character and purpose of the general visitation (*visita gen-*

eral) as a feature of colonial administration. A brief account of the contest of Gálvez as visitor-intendant with an unfriendly viceroy demonstrates of how little effect might be the supreme effort of an able monarch and an efficient ministry to reorganize the administration of a distant colony under such circumstances. The peculiar character of the colonial trade and the need for its reform is portrayed in a succeeding chapter, after which an account is given of the personal activities of the visitor during the historic Jesuit expulsion. The reorganization of the northwestern frontier, including the occupation of California and the Indian war in Sonora, viewed in the light of the acts of Gálvez, occupy the two succeeding chapters. The final year or so of the visitation saw the completion of a number of important, though minor, measures, aimed at reform in municipal administration, as well as the close of a number of legal suits which formed part of the visitorial procedure; with a relation of these measures the purely chronological account of the visitation ends. Finally, a study is given of the system of public finance of New Spain, and of the share which Gálvez had in its reorganization. This study is carried down to the time of the second Revillagigedo, in whose term as viceroy the most effective measures were taken to put into operation the reforms initiated or suggested during the visitation of Gálvez. Such, in brief, is the scope of this monograph. Throughout, emphasis is laid on the personal side of the story, for the reason that the visitation as a feature of colonial administration was of so special a character as to make its results depend largely upon the personality of the man to whom it was intrusted. Conscious effort has been maintained to prevent this personal emphasis from exaggerating the importance of a single worker in a field where the laborers were many and the honors divided.

There are certain questions of form in the use of accents and italics upon which there is not yet sufficient agreement among writers on Spanish institutions. With reference to names of persons, the plan herein followed is to modernize first names, adhering to the older forms for family names, except where the pronunciation demands, according to modern usage, the addition of an accent. Thus Joseph Galvez becomes José de Gálvez. To this form not many critics will take exception. In this particular instance, the form as adopted was beginning to be employed while Gálvez yet lived. In footnotes, where manuscripts are cited, the original form of names, titles, and of accent and capitalization has been followed. In the matter of use of italics there will probably be less agreement. By general consent, at least among students of Spanish-American and Spanish institutions, many Spanish words are considered to have become Anglicized, such as peso, presidio, pueblo, alcalde, real (the monetary unit), cédula, and a few others used in this study. The words audiencia and real hacienda, having indeed no satisfactory English equivalents, have been left consistently in Roman type. The English word fiscal (state attorney) has been used, with its plural fiscals. So also of the plural reals. *Asesor* has been rendered assessor, with dictionary sanction. *Corregidor,* Anglicized through literary association, has been italicized, as the English plural seems harsh. Alcalde, only where used in combinations, as *alcaldes ordinarios,* has been italicized. Other Spanish words needed, because their translation would be misleading, have been italicized in accordance with best usage.

Grateful acknowledgments are due to Professor Henry Morse Stephens for friendly aid, interest, and constructive criticism of this work while it has been in preparation. Dr. Herbert E. Bolton has given lavishly of his knowledge, experience, and time, far beyond the demands of editorial responsibility. Professor Charles E. Chapman, fellow-student, has likewise been invaluable in helpful suggestion. The new materials used have been made available through the generosity of the Native Sons of the

Golden West, whose Traveling Fellowships have done so much for Spanish-American history. The researches of Mr. Lawrence Palmer Briggs, Dr. Chapman, Professor William L. Schurz, and Mr. Karl C. Leebrick have through these Fellowships been placed at the writer's disposal. Thanks are due to Professor Rafael Altamira y Crevea, who has furnished valuable materials used, to Professor Francis S. Philbrick of the School of Jurisprudence of the University of California, who has criticised the chapter on the general visitation, to Professor Roscoe R. Hill of the University of New Mexico, Dr. Robert Glass Cleland of Occidental College, and Mr. Charles Wilson Hackett of the University of California, who have read and criticised the proof. Mr. Albert H. Allen of the University Press gave valuable suggestions as to form while the work was in preparation; Mr. Joseph W. Flinn, Superintendent of the Printing Office, has been of practical assistance in many ways. My wife has been unfailingly helpful in the drudgery of proof-reading.

HERBERT INGRAM PRIESTLEY.

UNIVERSITY OF CALIFORNIA,
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INTRODUCTION

A BIOGRAPHICAL SKETCH OF GALVEZ

Joseph Bernardo Gálvez Gallardo was born January 2, 1720, in the village of Macharaviaya, or Macharavialla, near Vélez-Málaga, on the southern coast of Spain. He was the second son of Antonio Gálvez y Carbajal and Ana Gallardo Jurado, who were married at Macharaviaya on July 1, 1716. His godfather, a neighbor, was José Gallardo, perhaps a relative of the family.

The Macharaviaya branch of the Gálvez family was in those days reputed to be one of the oldest and purest of Spanish lines. In 1771 Miguel de Gálvez, a younger brother of José, being then a candidate for royal favors, presented to the King a certificate of genealogy over the signature of Ramón Zozo, king-at-arms and chronicler of Charles III. This certificate, accompanied by eighty-nine instruments, such as titles, decrees, royal orders, certificates of marriage and baptism, purported to prove that Miguel was sprung from four male lines of descent (*varonías*), namely, those of Gálvez, García, Madrid, and Cabreras. The arms of the Macharaviaya Gálvez family were supposed to date from the historically unverified battle of Clavijo, in the year 834, when members of the family were reputed to have won a new quartering for conspicuous bravery.

The most distinguished bearer of the name, prior to José de Gálvez, was Antón de Gálvez, seventh grandfather of the former, who bore a notable part in the wars against the Moors which resulted in the surrender of Granada in 1492. Their Catholic Majesties granted to Antón de Gálvez the privilege of sepulture and a permanent sitting in his parochial church, which are still conserved as the right of the family. Antón was the common ancestor of various branches of the family which became established in Andalusia. From early times they were registered as *hijosdalgo*, and occupied official positions fitting their stations in life. Many members of the family which settled in the province of Málaga became Caballeros de Calatrava, and served their sovereigns in distinguished posts. They were known as "Old Christians," without admixture of foreign or heathen blood; they had never engaged in any low or mechanical employment, and resided on their own estates.

Notwithstanding the purity of its lineage, or perhaps on account of it, the Macharaviaya family at the time of the birth of José was as poor as it was proud and ancient. Of the generation to which José belonged, there were four brothers who grew to maturity and a fifth who died in infancy. The oldest was Matías, born July 24, 1717. José, the second son, was followed by Antonio, who, born March 27, 1724, appears not again in available records. The fourth son, Andrés Luis, was known as Miguel instead of by his baptismal name, though for no assigned reason. He was born November 30, 1725. The youngest son, Antonio Miguel Joaquín, came into the world September 29, 1728, subsequent to his father's death. The poor farmer having gone to his rest, his young sons were obliged to gain their livelihood as shepherd boys, for flocks and herds were the mainstay of the community. In this humble employment José de Gálvez spent his early years, with intervals of attendance at the boys' school in the neighboring village of Benaque.

When he was eight years old the village priest took him as an acolyte. This circumstance brought him, three or four years later, under the notice of the bishop of Málaga, Diego González Toro, who was making his episcopal visitation in Benaque. The bishop was impressed with the possibilities which the boy showed, and took him to Málaga to be educated for the priesthood. In 1735 he was a candidate for a fellowship in the seminary of San Sebastián at Málaga, an honor which was conceded to him upon proof of his legitimate birth, his purity from taint of Moorish blood, and of the fact that he had never engaged in any low or ignoble occupation.[1] Though it is not certain at what date Gálvez entered San Sebastián, the record of his candidacy for the fellowship shows that he had been enrolled prior to this application. In 1734 his benefactor, González Toro, was removed to Cuenca, being succeeded at Málaga by Gaspar de Molina Oviedo. In 1737 González Toro died. Shortly after that event Gálvez departed for Madrid, carrying with him, it is said, letters from Molina, who was a relative of González Toro. It appears that, through the influence of Molina, Gálvez entered the university of Salamanca, where he began the study of law, eschewing the holy calling to which his first patron had tried to educate him.

Concerning his life at Salamanca we have not the barest detail. It is indeed sometimes stated that he entered the university of Alcalá, but his name does not appear upon the records of that institution at all.

From the university Gálvez went to Madrid to practice law. In this profession he was for some time inconspicuous. In 1750 he obtained an appointment as governor of Zamboanga, Mindanao, in the Philippine Islands. The service was to continue for five years, and the position was granted in compensation for services rendered and for a payment of 1500 pesos. It is not apparent that he ever went to the Philippines; he may, indeed, have merely purchased the office for the purpose of selling it. The royal appointment, dated at Buen Retiro, December 9, 1750, provided that if Gálvez should by any reason be prevented from discharging the duties of governor for the whole or any part of the time the position might be filled by Manuel de Gálvez or Miguel Antonio Rodríguez de Texada.[2]

On August 2, 1750, Gálvez was married to Lucía Romet y Pichelin, who was his second wife. The first was María Magdalena Grimaldo, of whom next to nothing is known save that she died without issue. The second Señora de Gálvez was a Frenchwoman, a fact which may be taken as a cause or an indication of the favor in which Gálvez was subsequently held by the French coterie at Madrid.[3]

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[1] *Pretension de Joseph Galvez para una beca de colegial en el colegio seminario de San Sebastián, Málaga;* Archivo del Obispado de Málaga.

[2] Real Orden, Buen Retiro, December 9, 1750; Archivo General de Indias, 139-7-17, lib. 6.

According to one account, it was Gálvez' knowledge of the French language and his facility and grace of expression which won for him the good will of the most eminent Frenchmen residing at the court. He thus won the friendship of a secretary of the French ambassador, and became legal councillor for the latter. He later utilized his opportunities in this capacity to bring himself to the attention of the First Minister of State to Charles III, Grimaldi, who made him one of his secretaries.

A more romantic tradition has it that there occurred in Madrid in 1747 a notable lawsuit (*ruidoso pleito*) between the state and a foreign business house. Gálvez, employed as counsel by the foreigners, made such a brilliant argument before the court that he won the suit, to the astonishment of the most able jurists. His success attracted the attention of the King, who invited the young lawyer to an interview. Charles asked him how he had had the temerity to defend a case against the state, to which Gálvez is reputed to have replied: "Señor, antes que el rey está la ley"—"My lord, the law is greater than the King." The readiness and fearlessness of the answer is supposed to have been the young man's "open sesame" to distinction.

Both accounts are fondly cherished in the traditions and local histories of Macharaviaya, the *patria* of Gálvez, where he is held in kindly memory for the many benefactions to the village in which he engaged during his later years.[4]

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[3] "A poor lawyer, undistinguished among the swarm of practitioners for many years, and first becoming known only as the attorney of the French after he had married for his second wife a Frenchwoman; the Abbé Béliardi and the ambassador [Duras, 1752–1755, D'Ossun, 1758–1778] then took him up for their own; they have advertised him and aided him, and account his triumph as their own and that of their nation" (Francisco Carrasco (Marqués de la Corona) to Viergol, March 13, 1776; Archivo Histórico Nacional, Legajo 3211).

What is definitely known of his first successes at Madrid is that he was on November 25, 1764, by royal order, made *alcalde de casa y corte* (civil and criminal municipal justice), with seniority over another appointee of the same date.[5] The chief advantage of this position was that it brought him into close contact with the Council of Castile, under the supervision of which body these alcaldes exercised their functions. The dominating influence in this Council for many years was that of Count Aranda and the two fiscals, Campomanes and Moñino. The latter two were later responsible for much of the success which attended the public services of Gálvez.

Upon the death of Francisco Armona, who was chosen visitor-general of New Spain in 1764, Gálvez was appointed February 20, 1765, to perform the visitation. Eight days later he was made honorary member of the Council of the Indies with seniority, in order "that he might serve with more character in the employment of visitor."[6] It was customary to grant to *visitadores* who went to the New World some such distinction, in order to hold out prospect of employment for them when they should return to Spain. While Gálvez was still in America he was further rewarded by the king for his activities by being made, on December 28, 1767, a *ministro togado* of the Council and Chamber of the Indies; that is, he was made eligible to sit in the chamber of justice, than which no higher distinction in the Council could be conceded to him while he was absent from the capital, as he obviously could discharge no duties of the office while so situated. The honor of this appointment came just after the close of the expedition which Gálvez made into the mining regions to the north and northwest of Mexico City, and after his completion of his share in the expulsion of the Jesuits, matters which will be discussed on later pages.

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[4] A. Moreno y Rodríguez, "Noticias cerca la Villa de Macharaviaya," chapters 22, 23, of *Reseña Histórico-Geográfica de Vélez-Málaga y su Partido*, Málaga, 1865.

[5] Real Orden, November 25, 1764; A. H. N., Leg. 461.

[6] Real Orden, El Pardo, February 28, 1765. Archivo General de Indias, 139–7–18.

Until the end of March, 1768, Gálvez received his salary as *alcalde de casa y corte,* in addition to his salary of 12,000 pesos as visitor-general. After that date his salary as alcalde ceased, and he received in lieu thereof a salary of 50,000 reals *vellón,* or 2500 pesos, as judge of the Council. When he had completed the services which form the theme of this book he returned to Spain in 1772 and entered upon his work in the Council of the Indies.

During 1773 Gálvez performed various services for the King, among them being inspections of the Archivo de Indias and of the Archivo General de Simancas. While he was occupied with these commissions he collected a number of documents needed for the beatification of the venerable Juan de Palafox, his famous predecessor in the visitation of New Spain, and a favorite hero of his royal master Charles III.

On January 26, 1774, Gálvez was appointed to a membership in the *Junta General de Comercio, Moneda, y Minas,* a vacancy in that body having been created by the retirement from it of the Conde de Aranda. About this same time Gálvez also served as superintendent of the *regalía de corte* without pay.

In June, 1775, he was obliged to beg a vacation of two months on account of "fevers in his head," but he was able to return to his duties before the time was up and to continue at work for some years. Frequent illnesses characterized his later days.

Upon the death of Arriaga,[7] Minister of the Indies, Gálvez was promoted to fill the vacant position, through friendship with Múzquiz, Minister of Finance.[8] Gálvez received the portfolio of the Indies only; the direction of *Marina*, which had been a part of the duties of Arriaga, was confided to Pedro Gonzáles Castejón, who was a pronounced enemy of Grimaldi. In the same year Floridablanca became the first minister of the King, having been chosen for his successor by the deposed Grimaldi, who even at the end possessed enough influence to obtain the appointment of his early followers to positions of influence and responsibility.

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[7] The Baylio Julián de Arriaga died, at the age of seventy-five years, on January 28, 1775, at El Pardo. He had prior to his assumption of the ministry seen service in America for a brief period as governor of Venezuela (Moses, *The Spanish Dependencies in South America,* New York, 1914, II, 354).

[8] F. Rousseau speaks of Gálvez as "une créature de Múzquiz." Grimaldi, who had been of great service in obtaining the advancement of

Less than a month after his appointment as universal minister of the Indies Gálvez was made governor *pro tempore* of the Council of the Indies, to serve in sessions of either the Council or the Chamber, and to vote therein, when it would be of benefit to the royal service, on such occasions as when the Duke of Alva, the incumbent, was unable through illness to perform the functions of his office. Alva was continued in the presidency of the Council, and whenever he attended the sessions he was to have precedence over Gálvez, who sat at his side.

When the Council of the Indies was reorganized under the plan perfected in 1777, Gálvez was made governor of the first chamber of the three, that called the *sala de gobierno* for New Spain. The second *sala* was intrusted with the affairs of Peru, while the third was the chamber of justice.

In 1780 Gálvez was made a member of the Consejo de Estado, in which he had held honors since 1777. In this capacity he took great interest in the war against England, using his position to further the ambitions of his nephew Bernardo by arranging for the brilliant campaign of that young officer in Louisiana. By intrigue, says Rousseau,[9] Gálvez in 1780 manipulated the sending of the squadron under Solano to join the French fleet in the Antilles—an errand in which Solano was unsuccessful. When the Spanish operations in the war proved of little benefit,

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Gálvez, seems at this date to have been abandoned by the latter, in common with the remainder of the court coterie, save the King himself (F. Rousseau, *Règne de Charles III d'Espagne, 1759–1788*, Paris, 1907, II, 73).

[9] *Ibid.*, II, 152 *et seq.*

Gálvez is reputed to have joined the other ministers in attributing failure to Floridablanca entirely, in a spirit of jealousy due to the miscarriage of his ambition to succeed Grimaldi.

This personal ambition was the incentive which made Gálvez an ardent member of the war party. Whichever way events might turn, he could not be loser. If victory came, he and Bernardo, after the latter's brilliant campaign in Louisiana, would find their reputations enhanced. If failure ensued, the weight must be placed upon Floridablanca, whom, if he were displaced, Gálvez might succeed.

During this period Gálvez showed that his experience in America had given him better knowledge of its affairs than was possessed by either Floridablanca or Castejón. When the latter two would have sent a Spanish expedition against Jamaica, Gálvez clung to his plan for a campaign along the Gulf coast, though he was opposed in this by both the other ministers. Of what advantage, he argued, to help the Jamaicans, who would only organize an independent republic, setting a bad example to all of Spanish America, which was already perturbed by the revolt in Peru.[10]

In 1785, through the influence of Floridablanca, Gálvez was given the honor of a title of Castile, with the denomination of Marqués de Sonora. This title was conceded at the same time that many other officers of the court received similar honors, upon the occasion of the marriage of the Infante Gabriel to María Victoria, daughter of the queen of Portugal, and of the Princess Charlotte to Juan, the queen's son. At the celebration of the wedding ceremonies Gálvez participated in the capacity of notary of the realm, reading aloud the marriage contracts.[11]

Other positions of honor were held by José de Gálvez, among which was that of perpetual *regidor* of the city of Málaga. He

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[10] Rousseau, II, 162–3, 196.

[11] *Ibid.*, II, 262.

2. Macharaviaya, birthplace of José de Gálvez. From a photograph taken in 1911.

was in 1772 made a Caballero Gran Cruz of the Real y Distinguido Orden de Carlos III, an order which the monarch established that he might have an opportunity of rewarding his zealous servants.

The little town of Macharaviaya was not forgotten amid all the success of the erstwhile shepherd boy. In co-operation with his brothers, Gálvez erected in his native village a school for the boys and another for the girls. The industry of manufacturing playing-cards for use in America was located in the village in 1776; for many years this monopoly furnished occupation for the people. The sons of Macharaviaya were preferred for posts in the royal service in America under the protection of the powerful minister, their townsman.

Nor was Gálvez unmindful of his relatives when he had achieved distinction himself. Indeed, his activity for them savors of what we should call today the rankest nepotism. It was not unusual for his time. The most successful of his protegés was Bernardo, whose campaign during the American Revolution has already been mentioned. Bernardo was son of Matías de Gálvez, the older brother of José. Father and son held the viceroyalty of New Spain successively under their more powerful relative's protection. Bernardo was made Conde de Gálvez in 1783.

Matías de Gálvez was preceded by Mayorga as viceroy of New Spain. When Antonio Bucarely, successor of the Marqués de Croix, died in 1779, an order was issued conferring succession to the post of viceroy upon "the President of Guatemala." Matías de Gálvez had just been appointed to succeed Mayorga as President of Guatemala, and was *en route* thither. The expectation of the Minister of the Indies undoubtedly was that Matías would become possessed of the presidency before the order appointing a successor to Bucarely would be received. But by an unusually quick transit of the Atlantic the appointment outdistanced the elder Gálvez, and Mayorga was thus fortuitously named viceroy. Mayorga was made to pay bitterly for the unintended distinction. He received only half salary during his incumbency and was almost constantly in conflict with the Minister of the Indies, who seemed never to forgive him for the check upon his ambition for his elder brother. So great was the enmity between Gálvez and Mayorga that Bustamente hints broadly, without citing authority, that the sudden death of Mayorga, which occurred while he was returning to Spain after the close of his term, was due to agents of Gálvez.[12]

The other brothers, Miguel and Antonio, served the King without great distinction. Miguel was made ambassador to Prussia, and Antonio was made a *mariscal de campo* in the royal army.

José de Gálvez died at Aranjuez on the night of June 17, 1787, from an illness which is characterized in the language of the time as *accidente,* usually taken to mean an attack of insanity —perhaps a return of the malady from which he suffered during his campaign in Sonora in 1769–70. He was survived by an only child, a daughter, María Josefa, fruit of his union with his third wife, María de la Concepción Valenzuela, whom he married in Madrid on November 1, 1775. María Josefa was born November 14, 1776. To her Gálvez bequeathed his possessions, and to her descended his title of Castile.

The titles of nobility bestowed upon Bernardo and José de Gálvez soon passed from the family. The male heir of Bernardo, his son Miguel, died without issue, and the title passed to his sister, Matilda, who became Countess of Gálvez. The daughter of José, María Josefa, died in 1817 without issue, and her title of marquise passed to Doña Matilda, Countess of Gálvez. The combined titles passed to the daughter of Doña Matilda, Doña Paulina Capice y Gálvez, who married the Duke of Balzo y Caprigliano, a prince of Italy residing at Naples. From this union issued Don Ernesto del Balzo, who inherited in 1887 the titles of both his father and his mother.[13]

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[12] C. M. Bustamente, *Suplemento* to Cavo, *Los Tres Siglos de Mexico* (Jalapa, 1870), 340–1; N. de Zamacois, *Historia de Méjico* (Mexico, 1877-82), V, 634–6.

Bustamente says: "We are ignorant of the circumstances of the death of Gálvez, but it is generally thought that he quarreled with Charles III over the complaints made against the supposed treasonable ambitions of Bernardo [who was accused of desiring to set up an independent kingdom in New Spain, over which he was to be proclaimed king]. His death is supposed to have been due to apoplexy, but in those days that might have been either poison or the *garrote* (strangulation). However this may be, Gálvez died leaving many enemies, among them the friends of Mayorga. Nevertheless he was a great minister, and the increase of real hacienda was due exclusively to him."[14]

The body of the distinguished son of Macharaviaya rests in a marble sarcophagus in the pantheon beneath the floor of the church of his native village. His name and his honors are gratefully recorded on tablets within the church and upon a *Calvario* erected upon an adjacent hillcrest; his townsmen honor and respect his memory as that of their greatest son.[15]

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[13] From a document in possession of Doña María Loreta de Hita Fernández, schoolmistress of Macharaviaya.

[14] Bustamente, *Suplemento* to Cavo, *Los Tres Siglos de Mexico*, 369.

[15] The details of the foregoing account are taken from church records, royal orders and cédulas too numerous to cite, which were collected by Mr. L. P. Briggs, and copies of which are in the Bancroft Library. Short biographies of Gálvez are to be found in the *Biographie Universelle Ancienne et Moderne* (Brussels, 1843–47), VIII, at the word Gálvez; in the *Diccionario Universal de la Lengua Castellana* (Madrid, 1875–6) and in the *New International Encyclopedia* (New York, 1914).

That Gálvez had enemies during his life is indicated by the following *pasquín*, in which the tongue of envy and disappointment lashes the memory of the poor shepherd boy whose phenomenal career was the one great glory of his family and village.

A LA REPENTINA MUERTE DE D. JOSÉ DE GÁLVEZ, MINISTRO DE INDIAS

DÉCIMAS

Un poco limpio accidente
La vida á Galvez quitó,
Ya su poder acabó
Mas la nación no lo siente;
Málaga tan solamente
Llorará por su paisano,
Mas rie el americano
Y europeo comerciante,
Pues ya tiene el navigante
El mar libre de un tirano.

Así repentinamente
El teatro mudará
Y de nuevo empuñará
El Dios Neptuno el tridente:
Se verá palpablemente
Que su proyecto caduco
Fué para España un trabuco
Conque al comercio hizo guerra:
Gracias á Dios que dió en tierra
Este estatua de Nabuco.

Con ambiciosos furores
El comercio disipó
Y América destruyó
Por dar á su casa honores.
Estos mentidos favores
Como éran tan desiguales
Tuvieron fines fatales
Pues se llevó ¡trance fuerte!
En poco tiempo la muerte
Dos vireyes generales.

Su falta acarreará penas
Al que fué de su resorte,
Mas hoy recibe la corte
Y el comercio enhorabuena,
Todos salen de cadenas
Y los que por él prescritos
Se miran, piden á gritos,
Se ponga, porque así place,
En su sepulcro aquí yace
Por quien yacen infinitos.

Los Galvez se deshicieron,
Como la sal en el agua,
Y como chispas de fragua
Fósforos desaparecieron.
Bajaron como subieron
A modo de exhalación;
Dios le concede el perdón,
Sin que olvidemos de paso,
Que este mundo dá cañazo
A quien le dá adoración.

(In F. Guillen Robles, *Historia de Málaga y su Provincia*, Málaga, 1873, 601. From a manuscript in possession of the Amigos del País de Málaga.)

CHAPTER I

THE HISTORICAL BACKGROUND

Preliminary to an account of the work of José de Gálvez as visitor-general of New Spain it is necessary to present a view of the institutions with which he had to deal, and of the policies and problems which made his visitation necessary. Such a view will include a description of the Spanish colonial policy and administrative system, and of the relations of the Bourbon kings with the nations of Europe in so far as they affected that policy. Attention must be paid chiefly to the reign of Charles III. The condition of New Spain at the time that Gálvez came to it, the phases of government and society which were to feel the force of his influence, and the needs toward the fulfillment of which his measures were directed, will be presented. In discussing the government of New Spain, the department of public finance (real hacienda), which was in truth the vital element of the administrative system, will be reserved for treatment in a final chapter, in which will be summed up the effects of the work done in fiscal reform by the visitor-general.

1. *Bourbon Policies.*—In 1700, at the close of the reign of the last Hapsburg, Charles II, Spain was at the lowest depths of decadence. Her army was reduced to 20,000 men, her fleet was composed of only twenty vessels, the public treasury was empty. The population of some 6,000,000 souls dwelt in misery in a country without roads, without commerce, without agriculture, and without industries. The aristocracy was ignorant and haughty, the clergy fanatical, the King an idiot. Such was the spectacle presented by the monarchy of Charles V and Philip II.[1]

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[1] G. Desdevises du Desert, *L'Espagne de l'Ancien Régime, II, Les Institutions* (Paris, 1899), Introd., p. v. Cf. Moses, *The Spanish Dependencies in South America*, II, 254; A. Ferrer del Río, *Historia del Reinado de Carlos III en España* (Madrid, 1856), I, 39–70; A. Cánovas del Castillo, *La Decadencia de España* (Madrid, 1854; ed. 2, 1910), *passim*.

Philip V, coming to the throne in 1701 under the tutelage of Louis XIV, began the work of reconstruction with energy. His measures were directed toward centralization of administration, improvement of real hacienda, and the development of the resources of the nation.[2] At that time the revenues, in Spain and in the American possessions as well, were leased to revenue farmers, and the proceeds of the taxes were consumed by swarms of office-holders. Even positions so high as the viceroyalties, as well as lesser administrative places, had been sold to produce funds which had been wasted in bootless wars. Crime was rife in Spain, public disorders were frequent, there was even scarcity of food. The War of the Spanish Succession hampered the reconstructive measures which Philip would have carried out. After fourteen years of fighting, he renounced his claim to the French crown; the Archduke Charles was elected emperor, and the allied armies of Louis lost the incentive under which they had been fighting. In the peace which followed Philip was indeed insured his throne but lost his Low Countries, Milan, Naples, Sardinia, Sicily, Gibraltar, and Minorca, while his exclusive Spanish-American trade was broken into by the grant of slave-trading rights to England.[3]

To the internal organization of the country the war brought some simplification. While losses of non-adjacent territory had occurred, there had also been revolt in Aragon. Conquered, that old kingdom lost her council and her political liberty, and was subjected to the same régime as Castile. Thus Philip's plans for centralization were aided by his very misfortunes.[4]

On the death of Louis XIV, in 1715, Philip attempted to renew his claim to the throne of France. This ambition brought his old enemies the English and the Dutch into triple alliance with France against him. Austria and Sicily were soon arrayed against him as well. From the conflict he emerged in 1720 with no profit save recognition of his claim to the Spanish throne by the Emperor, and the investiture of the duchies of Parma and Tuscany in his young son. When, in 1724, Philip resumed the crown after the short reign of Luis I, his policy was marked by costly ambitions. Coupled with the desire of Isabel Farnese, his wife, to establish her sons in Italy was Philip's renewed passion for the crown of France, for the recovery of Gibraltar, and for the exclusion of England from the American trade. Such were the motives under which Philip accumulated problems which were left to his successors to solve. By the Treaty of Aix-la-Chapelle (October 18, 1748), concluded for Spain by Ferdinand VI, the Italian duchies were secured to the young princes of Spain; but peace with England was obtained at cost of new advantages to that power in the slave-trade and the annual trading ship (*navío de permiso*).[5]

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[2] J. Becker, *España é Inglaterra* (Madrid, 1906), 11.

[3] Lucas Alamán, *Disertaciones sobre la Historia de la República Megicana* (Mexico, 1844–49), III, 215; R. Altamira, *Historia de España y de la Civilización Española* (Barcelona, 1913–14), IV, 305–7.

[4] Desdevises du Desert, Introd., p. vi.

Yet the reign of Philip, presenting so sorry a spectacle in international relations, was in reality a period of renascence of national prosperity His minister, Alberoni, was an assiduous worker for development of manufactures, for destruction of smuggling across the peninsular borders, development of commerce, and encouragement of the applied arts. This prosperity began with the coming of Orry, sent from France by Louis XIV to reorganize Spain's finance and military establishment. It was due to Orry that the branches of real hacienda were taken from revenue farmers and placed under administration of crown officials. When he left Spain, in 1714, the army had been reorganized and equipped with munitions of war in abundance. During the same period the revival of national interest in intellectual matters was indicated by the establishment of the two great royal academies of language and history, the royal academy of Barcelona, the university of Cervera, and the medical academies of Madrid and Seville.[6]

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[5] Altamira, IV, 48; Becker, 25.

2. *Centralized administration.*—Under Philip, too, began a centralization of the administration of the colonies similar to that introduced into the Peninsula in imitation of the French system. The first step in this process was the creation of five secretariats which absorbed the administrative duties of the old councils. One of these secretariats was that of Indias y Marina. In 1715 the first minister of the Indies formally denominated as such, the Count of Frigiliana, received his appointment. In 1717 the Council of the Indies was reorganized to conform to the ideas of closer personal oversight which now became the royal policy.

This council had been definitively established in 1524, though it had previously operated under the same name as early as 1509.[7] It was independent of the Council of Castile and the other provincial councils, deriving its authority directly from the sovereign. Under the Hapsburgs the Council of the Indies legislated for those dominions, and, after 1636, heard judicial cases arising there if appealed.[8]

The reorganization to which allusion is made restricted the Council of the Indies to hearing cases in litigation and other purely judicial affairs. It was henceforth to refrain from issuing, and its two secretariats (created in 1715, one for Peru and the other for New Spain) were to refrain from forwarding, cédulas, despatches, or other governmental orders. All that was executive or legislative in character was assumed by the King, who from that time on sent out his orders through his ministers only, or *por la vía reservada.* This restriction, the essence of the Bourbon centralizing policy, obtained in all matters concerning real hacienda, war, commerce, and navigation.[9]

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[6] Alamán, III, 259–262; *for an interesting account of the work of Orry* in Spain see F. Rousseau, *Un Réformateur Français en Espagne au XVIII^{e} Siècle* (Corbeil, 1892), *passim.*

[7] M. Danvila y Collado, *Significación que tuvieron en el Gobierno de América la Casa de la Contratación de Sevilla y el Consejo Supremo de Indias* (Madrid, 1892), 25. This address appears in *España en América, el Continente Americano . . . Conferencias dadas en el Ateneo . . . de Madrid* (Madrid, 1894), III, No. 12.

[8] Danvila y Collado, 34; Moses, *The Establishment of Spanish Rule in America* (New York, 1898), 19; *The Spanish Dependencies,* I, 230–234; Juan Solórzano y Pereyra, *Política Indiana* (Madrid, 1776), II, 408.

The Council numbered among its members many returned officials from the Indies, whose ripe experience was of great value in the decision of questions of colonial policy. Its president under the Hapsburgs was usually a grandee of Spain; the Bourbons often chose for this officer members of the lower nobility. At first the Council had one state attorney (fiscal). In the reign of Charles III there were two. In 1773 and 1776, under the influence of Gálvez, the Council of the Indies underwent important modifications. In the latter year its membership was increased to fourteen ministers, who composed three chambers, one for Mexico, one for Peru, and one for hearing cases of justice. The latter chamber was made up of trained legal advocates who had been made, for the discharge of their duties, independent or superior judges (*ministros togados*). It was their function, in addition to their judicial duties, to nominate to the King candidates for the bishoprics and canonical benefices, and for the benches of the audiencias. The councillors of the administrative chambers were called, in distinction from the toga-wearing superior judges, ministers of the cape and sword (*ministros de capa y espada*); they were not necessarily possessed of legal training.

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[9] Danvila y Collado, 36; H. E. Bolton, *Guide to Materials for the History of the United States in the Principal Archives of Mexico* (Washington, 1913), 17; G. Scelle, *La Traite Négrière aux Indes de Castille* (Paris, 1906), I, 18–22.

The legislation of the Council was incorporated, with the decrees and orders of the kings, into the *Recopilación de Leyes de los Reinos de las Indias,* first printed in code form under Charles II in 1681 and passing through five editions, the last of which was in 1841. J. M. Antequera, *Historia de la Legislación Española* (ed. 2, Madrid, 1884), 480–483, epitomizes the history of the *Recopilación.* For the powers of the Council of the Indies consult the 1841 edition, *libro* 2, *título* 2 throughout, and the Index; also Solórzano, *Política Indiana,* II, 393–422, and H. H. Bancroft, *History of Central America* (San Francisco, 1882–87), I, 280, note 13.

The *contaduría general,* or accounting department attached to the Council, was frequently consulted by that body or by the King in matters involving colonial finance. The *contador general,* with functions similar to those of a comptroller, sat with the Council in its deliberations, at least during the reign of Charles III. Landazuri, the incumbent while Gálvez was in America, was thus favored, and his opinion was frequently of weight in the efforts of the Council to set aside the measures of the visitor for reorganization of real hacienda.

Measures adopted by the King without the intervention of the Council were known as *reales órdenes.* Such measures usually concluded with the statement of the minister in charge: "*De real orden lo comunico á V. para su cumplimiento.*" Cédulas were laws and measures which passed through the Council; to them were attached the signatures or the rubrics of the members.[10]

The Council of the Indies was abolished by the Cortes of April 17, 1812, along with the other councils. It was revived in 1814, suppressed in 1820, revived again in 1823, and subsisted until 1824, when it was once more suppressed. It came into being anew in 1851 under the title Consejo de Ultramar, but was ultimately extinguished in 1854.[11]

The reorganization of the Council of the Indies under Philip V was accompanied by restrictions of the functions of the Casa de Contratación de Sevilla. This body, created in 1503 by cédula of February 14, as a simple shipping organization,[12] had been given control of judicial affairs concerning commerce in 1510. In these functions it was largely superseded in 1524 by the Council of the Indies, as above noted. The Casa sent out and received ships and merchandise, of which it kept the accounts. It was its duty to prevent fraud, promote and expedite commerce, and to license masters of vessels. It maintained a famous navigation school, of which Americus Vespucius was the first *piloto mayor.*[13]

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[10] Alamán, *Historia de Méjico* (Mexico, 1849–52), I, 34–36; Bolton, *op. et loc. cit.*

[11] Antequera, 485.

[12] E. G. Bourne, *Spain in America, 1450–1580* (New York, 1904), 221; Lafuente, *Historia General de España* (Madrid, 1850–67), IX, 467, cited by Bourne. In these works the time of the establishment is indefinitely set between the first and second voyages of Columbus; cf. Moses, *The Estab-*

In 1717 Philip ordered the offices of the Casa, and of the accompanying *consulado,* or merchants' guild and court, moved to Cadiz. The actual transfer occurred in the following year. The judicial and administrative functions of the Casa were at this time reduced to less importance than ever. An intendant-general of marine was created, and the Casa was allowed to exercise power only in a few minor civil and economic matters. It was finally suppressed in 1790, in its place being created a sort of consular agent (*juez de arribadas*), similar to those already provided in the many ports which had by that time been opened to commerce. The creation of these consular agents was in consonance with the commercial project of 1765, to be described later.

In 1718 occurred an administrative reform for Spain which was to find its way to America during the reign of Charles III.

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lishment of Spanish Rule, 20, note; Danvila y Collado, *op. cit.,* gives some details of the organization and later vicissitudes of the Casa. The earliest Casa was that of Barcelona, established in 1380. Today, says Danvila, we should call the early Seville establishment simply *docks*—he uses the English word, p. 17.

[13] Danvila y Collado, 23; Joseph de Veitia Linaje, *Norte de la Contratación de las Indias Occidentales* (Seville, 1672), is the author *par excellence* for the early work of the Casa; translation by John Stevens, London, [1700?]. Cf. Moses, *The Establishment of Spanish Rule,* chap. V; *The Spanish Dependencies,* I, 234–262; Solórzano, *Politica Indiana,* II, 520–522; R. Antuñez y Acevedo, *Memorias Históricas sobre la Legislación y Gobierno del Comercio de los Españoles con sus Colonias en las Indias Occidentales* (Madrid, 1797), 1–10; P. Leroy-Beaulieu, *De la Colonisation chez les Peuples Modernes* (Paris, 1908), I, 26–7; Bancroft, *History of Central America,* I, 282–283, note.

This was the abolition of the old territorial limits of the ancient kingdoms, and the appointment of the intendants, *contadores,* and *pagadores* for the intendancies, the new administrative districts, which were modeled after those created in France by Richelieu and Colbert, though they did not become the arbitrary agencies which the French made them. After a brief trial these intendancies were suppressed, to reappear under a new ordinance in 1749. The intendants had control of four departments of government, these being treasury, war, justice, and police. The ordinance of 1749 served as a model for the ordinances which were later enacted for the American possessions. The first American intendancy created was that of Havana, under decree of October 31, 1764. The intendant of Havana had cognizance of two departments of government, namely, treasury and war. His functions were vaguely defined at first, but were clarified and made explicit by decrees of 1765 and 1767.[14]

In 1768 Gálvez and the viceroy, Croix, granted to Pedro Corbalán, with royal sanction, *ad interim* powers of intendancy for Sonora and Sinaloa;[15] the governor of Vera Cruz, under the new method of collecting customs inaugurated by Gálvez in 1767, also exercised certain functions of an intendant in matters concerning real hacienda, as will be seen in Chapter V. We shall have occasion to return to the subject of the development of the intendancies in America in subsequent pages.

3. *Communication with America.*—Communication between Spain and America was always one of the most important problems. From the beginning no voyage could be made from Spain

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[14] Danvila y Collado, 42; cf. D. E. Smith, *The Viceroy of New Spain* (*University of California Publications in History,* Vol. I, Berkeley, 1913), 115–119. The *Instrucción* of October 31, 1764, noticed above, is printed in Zamora y Coronado, *Biblioteca de Legislación Ultramarina* (Madrid, 1844–46), III, 597–606; many of its paragraphs are practically identical in phraseology with paragraphs of the *Instruccion reservada* given to Gálvez in 1765 by Arriaga, minister of the Indies; see Appendix.

[15] See below, pp. 273, 276.

to America without royal license.[16] During the early years following the Conquest intercourse with the colonies was had by means of single ships, some of which belonged to non-Spanish subjects of the Spanish kings.[17] Piracy and smuggling rendered this system unsafe, and in 1552 an order was made providing for sending out fleets of merchant ships under convoy of war vessels. In 1561 single ships without convoy were prohibited from making the voyage to America. This regulation, allowing only *flotas* to New Spain and galleons to South America, under penalty of loss of both ship and cargo in case of disobedience, was as much to prevent single ships from secretly leaving or returning to the coasts of Spain or Portugal as it was for fear of corsairs.[18]

The rigorous laws prohibiting foreigners' going to the Indies were at times tempered. The first to receive the privilege were the Portuguese and Genoese. This privilege was withdrawn in 1549, when they, like all foreigners, were prohibited. Very soon this regulation broke down, the Flemings and Germans engaging in the trade as well as the two above-mentioned peoples. The Casa de Contratación objected, but Charles V feared that the discontent of those whom the Casa wished to exclude would redound to the prejudice of Spain. He therefore in 1551 permitted the trade to non-Spanish subjects.[19]

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[16] *Recopilación*, ley 4, tit. 1, lib. 4, and ley 1, tit. 2, lib. 4; Scelle, *La Traite Négrière*, I, 14.

[17] On December 4, 1537, the Casa de Contratación complained to Charles V that the Portuguese vessels which enjoyed slave-trade licenses to the Indies under obligation to make the port of Seville upon the return journey had failed to comply with their obligation (J. A. Saco, *Historia de la Esclavitud*, Barcelona, 1875–79, I, 174, 180–181). The purpose of the single ships, *buques de aviso*, was to carry mail, but they also transported small cargoes of merchandise. War vessels were also used to transport quicksilver, which was sold to the miners for the account of real hacienda (Pablo Macedo, *Tres Monografías*, I, *La Evolución Mercantil*, Mexico, 1905, 16).

[18] Macedo, *op. et loc. cit.;* see W. Lowery, *The Spanish Settlements within the Present Limits of the United States. Florida, 1562–1574* (New York, 1911), 3–27, "The Spanish Treasure Fleets and Florida." E. Burke, *An Account of the European Settlements in America* (London, 1808), 178–9.

[19] Saco, I, 199–200.

Even the regular fleets, while they "formed the only authorized communication between the Indies and Europe, were to a considerable extent navigated by Flemings and Englishmen, who thus acquired a thorough acquaintance with American waters, and had many friends in every port."[20]

The trading fleets carried their merchandise to Vera Cruz and Porto Bello, where it was sold in great fairs[21] at which the colonial merchants bought their stock from the representatives of the *consulado* of Cadiz or of the commercial guilds (*gremios mayores*)[22] of Madrid. The Jalapa fairs, at which imports to Vera Cruz were sold, began in 1720. Three deputies from the commercial interests of Spain came to Jalapa to conduct it. Subsequent fairs were held in the years 1723, 1725, 1729, 1732, and

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[20] A. P. Newton, *The Colonising Activities of the English Puritans* (*Yale Historical Publications*, New Haven, 1914), 13–14.

[21] Fairs were held at Panamá until 1671, the year of Morgan's raid. In 1655 the goods exchanged at this fair were officially reported as of five million pesos' value, the smuggled goods probably being three or four times as much (Bancroft, *History of Central America*, II, 480–481).

[22] The *gremios* were a survival of the medieval guild system, which began to flourish in Spain in the twelfth century. In the modern era the guilds of Spain were controlled under ordinances promulgated in 1511 and amplified frequently during the centuries, until Charles III began to restrict the monopolies of industry which these bodies enjoyed. The *cinco gremios mayores de Madrid* operated under ordinances of 1686 and later legislation. They controlled the manufacture and sale of silk, woolens, linens, spices, drugs, and jewels. In 1763 they took the contract for the collection of the royal revenues of Madrid, forming at that time a privileged commercial company, with license for twelve years to engage in commerce by land or sea. They established factories in Valencia, warehouses in Cadiz and other cities of Spain and in the ports of the Indies, and maintained a number of merchant vessels.

The *gremios* of Madrid leased many of the royal revenues, supplied the city with food—even furnishing grain for the entire kingdom—made loans, constructed roads, built aqueducts, cleared and planted lands, and raised troops to repel English invasions in 1770–71. A number of subsidiary commercial companies were launched under their protection, which engaged in numerous mercantile activities.

In 1788 the *gremios* were possessors of property appraised at 260,000,000 reals, but their prosperity was destroyed by their contract to supply the army and navy with food; under this contract, during the protracted wars from 1793 to 1814, they suffered losses which obliged them to suspend payment of dividends to members and interest on funds placed in their care (abstracted from M. Colmeiro, *Historia de la Economía Política en España*, Madrid, 1863, II, 237–51, 463–464).

1736. Between 1737 and 1748 no fairs were held, on account of the interruption of the *flotas*. These were resumed in 1749, a fair being held in that year. Later ones occurred in 1757, 1760, 1762, 1765, 1769, 1772, and the last one in 1776. In all 101 *flotas* were sent to Vera Cruz. Fifteen of them came between 1565 and 1600. In the seventeenth century sixty-six *flotas* came; the remaining twenty arrived between 1706 and 1776.[23]

In the fifteenth and sixteenth centuries the agriculture, industry, and commerce of Spain suffered, as a result of the national lust for conquest and disdain for physical labor, to such an extent that commerce between the Indies and the Peninsula fell more and more exclusively into the hands of foreigners. If the requirement that exports should be national had been rigidly adhered to, says Ferrer del Río, the fleets and galleons would have gone out practically in ballast. The Casa de Contratación became little other than a factory for foreign merchants, to whom the treasure brought from the Indies was paid out. Contraband, distributed from the islands of the Atlantic and from the Philippines, made great inroads upon legitimate trade. Spain held the dominion, but men of other nations held the usufruct, of America. This condition began to find amelioration upon the advent of the House of Bourbon.[24]

In 1718 Philip V began the despatch from Cadiz of four annual mail ships round Cape Horn to Peru, and as many more to New Spain. These vessels were to be sent at regular intervals between sailings of the fleets. The single ships did not prove successful at first, and the fleets and galleons continued to be the dependable means of communication and trade until 1735. After that date individuals might send vessels to America, but only upon obtaining licenses from Madrid, and after inspections and payment of duties which seriously handicapped commerce. In 1764 a monthly mail service was established between Coruña and Havana. So far as the South American trade was concerned, the despatch of single ships around the Horn resulted in a new era, the galleons proving of secondary value and being discontinued after 1748. The policy of sending armed convoys was not discontinued until the reorganization brought about by the adoption of the Reglamento of "free commerce" in 1778, a piece of legislation which is one of the most conspicuous services of the ministry of Gálvez. Between 1728 and 1739 two hundred and twenty-two vessels arrived at Vera Cruz; fifty-eight came in three *flotas*, and the remainder from Spanish-American ports. Between 1739 and 1750 the commerce of Spain with her colonies was interrupted by war with England; during that period neutral vessels were admitted to the American trade.[25]

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[23] M. Lerdo de Tejada, *Comercio Esterior de México* (Mexico, 1853), Doc. No. 1.

[24] Ferrer del Río, *Historia del Reinado de Carlos III en España*, I, 443–5. Cf. Hipólito Villaroel, *Enfermedades Políticas* (printed by C. M. Bustmente in *Voz de la Patria*, Tom. IV, Suplemento Num. 1, Sept. 11, 1830), pp. 151–4. See also C. H. Haring, *The Buccaneers in the West Indies in the XVII Century* (New York, 1910), Introd., 5–28.

Commerce with America was in some measure facilitated and encouraged by reductions of duties in a new schedule adopted in 1720, known as the *Proyecto de Comercio*. Merchandise on the fleets and galleons had hitherto paid export duties at Cadiz and Seville, and import duties at Porto Bello and Cartagena. Philip V ordered that neither in America nor in Spain should duties be paid except upon exportation.[26] This schedule remained in force until the advent of the new commercial system which began in 1764 and continued throughout the Bourbon ascendancy.

It is evident from the foregoing that the reign of Philip V saw inaugurated the policy which came to its highest efficiency during the reign of Charles III. During the peaceful reign of Ferdinand VI colonial policy and administration were little changed. The King devoted his energy to maintaining a strict neutrality, in spite of urgent overtures from both France and England to enter into alliance. For a period of fourteen years Spain was permitted to have peace. The resources of the country were developed, the revenues which Orry had left leased to customs farmers were taken under crown administration, and the army and navy were increased and improved.

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[25] Lerdo de Tejada, *op. cit.*, 7–12, and Doc. 12. Altamira, *Historia de España*, IV, 293. Alamán, *Disertaciones*, III, 270–271. Danvila y Collado, *op. cit.*, 39. Antuñez y Acevedo, *op. cit.*, contains a detailed account of the fleets and galleons; see especially 41–129. G. Scelle, *La Traite Négrière*, I, 44–69. Saco, *passim*.

[26] Colmeiro, *Historia de la Economía Política en España*, II, 414–415; see below, p. 187. Undoubtedly import duties continued to be collected in America.

4. *Reforms of Charles III.*—Thus when Charles III came to the Spanish throne in 1759 he found a country in great measure ripe for the awakening it was to experience under his management. Mention has already been made of two reforms effected by him which had to do with the colonial situation, namely, the inception of the transplanting of the intendancy system to America, and the beginning of the removal of restrictions upon commerce. Both of these innovations began in 1764. The gradual emancipation of commerce from its ancient bonds and restrictions was the execution of a general plan for the increase of the royal income and for the amelioration of economic conditions both in New Spain and in the Peninsula. Of this plan the appointment of Gálvez as visitor-general of New Spain was a part. The *Instrucción reservada* of March 14, 1765, to that official is a succinct statement of the broad lines upon which the new colonial administration was to be built.[27]

5. *Moribund American trade.*—The commercial reforms brought about during the reign of Charles III were outlined, for the most part, in a project which was reported to the King by a junta of men skilled in commercial affairs on February 14, 1765. The members of this junta were the Marqués de las Llamas, Don Francisco Craywinckel, Don Simón de Aragorri, Don Pedro Goosens, and Don Tomás de Landazuri.

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[27] See Appendix. Cf. Smith, *The Viceroy of New Spain*, 100–112.

The junta debated whether it should consider reforms for the interior commerce of the Peninsula, commerce between Spain and foreign countries, or that between Spain and the Indies. The decision was that questions of colonial trade were least involved with policies of government outside the province of the junta, and at the same time likeliest to yield quick and desirable results. Hence the special duty was to discuss measures for the rehabilitation of the decadent colonial trade. What were the causes for its decline, and what means could be taken to restore it?[28]

The report of the junta was made one week prior to the official appointment of Gálvez as visitor-general. Hence it is indubitable that he, living in Madrid and well known in official circles, was *au courant* with any plans which were being evolved for the New World to which he was about to embark. The junta went thoroughly into the commercial situation, and, without mincing matters, made eight specific charges against the existing system of government control of trade as the causes of its decay.

The first of these causes was the monopoly of shipping enjoyed by Cadiz, to the prejudice of other ports of Spain, and to other provinces as well, through the concomitant restriction of their industries. The location itself of Cadiz was unpropitious for the development of trade, as the port was especially liable to attack from Barbary pirates and other enemies—a fact which necessarily increased the costs of armament and marine insurance.

The second impediment to commerce was the system of despatching merchandise by the fleets and galleons, with limitation of the number of vessels which might engage in trade under license from Madrid, and with burdensome formalities at Cadiz.[29]

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[28] *Consulta . . . sobre el proyecto de comercio de América*, MS, A. H. N., Leg. 2314.

[29] Details of these formalities are given in Rousseau, *Règne de Charles III d'Espagne*, II, 26–28; Desdevises du Desert, *L'Espagne de l'Ancien Régime*, II, *Les Institutions*, 342. For restrictions at Vera Cruz see chapter V of the present work, especially pp. 185–6, 192–3.

Navigation under convoy retarded business, increased costs and hence freight rates, besides causing losses of opportunity for sales by reason of its slowness. The limitation of the number of licensed ships (*navíos de registro*) caused losses and uncertainties to owners of vessels. There were usually three times as many ships in waiting as there were employed—a situation which of course caused additional expense in freight charges. High export duties added to high freight rates made it unprofitable for Spanish ships to visit any but the largest American ports. As a result smaller ports were driven by neglect to seek trade with foreigners, and the latter utilized this opportunity to encroach upon Spanish territory.

A third impediment was the system of levying export duties on liquors, the tonnage duty.[30] For instance, a barrel of wine worth six or seven pesos in Spain paid fourteen or sixteen pesos, sometimes even twenty pesos, freight. The added tonnage duty, with the import duty at Vera Cruz, brought the price of the barrel to thirty-five pesos at that port. Transportation and duties at Mexico increased the amount there to forty-eight pesos. Naturally the consumption of Spanish wine was diminished, while planting of vineyards and olive orchards in the Indies, to the prejudice of Andalusian viticulture, was increased. Furthermore, the collection of the tonnage duty in advance of the lading of vessels was an embarrassment to many shipowners, preventing them from using their licenses once these were obtained.

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[30] The *tonelada*, on vessels engaged in the American trade, was first levied in 1608 to defray the expenses of the *consulado* or *Universidad ó cofradía de navegantes ó mareantes de Sevilla*, which had been established March 22, 1569. The impost was at first one and one-half real in silver for each ton. To this was added a half real in 1632. After 1755 the increase in the impost was such that every ton on the *flota* vessels to Vera Cruz paid 1406 reals *vellón as palmeo*, and 1406 reals on stop-gap and ballast cargo, with 671 reals on products. These duties were not equal for all vessels which came to America, but were graduated in accordance with the importance of the port to which a vessel was bound (Lerdo de Tejada, *Comercio Esterior*, 14).

The fourth cause of restricted American trade was the practice of collecting *palmeo,* or duty, on the bulk or volume of goods without reference to quality or value.[31] Coarse fabrics paid the same duty as lace or rich cloths. This resulted in discrimination against Spanish goods, which were usually coarser than fabrics imported for reshipment to America. Assessment of duty according to volume had the added disadvantage of preventing merchants from knowing what kind of goods their competitors were shipping; hence some varieties of merchandise were shipped in excessive quantities, while other needed supplies were lacking. This of course lent encouragement to smuggling. Worse than this, the Spanish government was also prevented from ascertaining exactly what amount of foreign goods was imported, so that no reliable data could be obtained for guidance in framing a successful foreign commercial policy.

A fifth reason for decline of commerce was the neglect of agriculture in America, due to scarcity of negro slaves. Vessels were often obliged to return from America with insufficient cargoes, as sometimes there were not enough colonial exports ready for shipment. The Spaniards, having abandoned the slave-trade, were obliged to purchase negroes from other nations at exorbitant prices.

The sixth cause was failure to enforce the laws which prohibited planting of vineyards and olive orchards, distilling native beverages, and manufacturing cloth in the Indies. Such American industries were prejudicial to Spanish agriculture, manufacture, and commerce. The trade of the Philippines with New Spain was also thought to be injurious to Spain, on account of the large importation of Chinese goods and the exportation of silver in exchange, depriving the colony of ready money for the European trade.

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[31] The *palmeo* was introduced by Philip V in the *Proyecto* of 1720 (Colmeiro, *Historia de la Economía Política en España,* II, 416).

The seventh cause of decadence was the high import duty on gold, silver, and other products from America. The duties on gold and silver lent encouragement to export to foreign colonies and to smuggling. Duties on other products diminished export, especially of cheap, bulky goods. Lack of distinction in the duties levied as to whether goods were raw products intended for manufacture or intended for immediate consumption, as well as failure to distinguish between goods common to all nations and those peculiarly Spanish, destroyed advantages which nature had conceded to Spanish manufacture and commerce.

Finally, the culmination of the forces of the above mentioned conditions caused the notorious bane of the restrictive system, smuggling. It was the logical outcome of the centuries-old policy of restriction, and radical change was needed to uproot it.[32]

The policy adopted by Spain of monopolizing American trade had never proven successful. It was violated by all of the European maritime nations in turn. At the beginning of the reign of Philip V, when France was earnestly engaged in rehabilitation of Spanish prosperity, French ships were actively trading in the waters of South America. They continued to do so until the close of the War of the Spanish Succession, when Louis XIV forbade the practice. That monarch interested himself financially, as did Philip, in the slave-trade of the Guinea Company, and in its practically free commerce from French or Spanish ports indiscriminately with those of America. During this period French vessels enjoyed a preponderance of the Spanish carrying trade. The notorious smuggling engaged in by the Guinea Company was its greatest aggression against the Spanish colonial policy.[33]

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[32] The policy of the Spanish commercial interests was to keep the American markets as bare of supplies as possible, in order that exorbitant prices might be charged upon goods there laid down. During the seventeenth century Panama was a hotbed of smuggling activities. "In the year 1624 the amount of merchandise registered as passing through the Casa de Cruces was 1,446,346 pesos, while goods to the amount of 7,597,559 pesos were reported by the factor, Cristóbal de Balboa, to have been smuggled through. Thus 1,370,656 pesos revenue were lost to the crown. The very existence of legitimate commerce was threatened" (H. H. Bancroft, *History of Central America*, II, 438, 473 and note). Cf. Colmeiro, II, 371-3.

With the close of the War of the Spanish Succession England appeared as a claimant for privileges. These were obtained under the famous *asiento* in which Queen Anne of England was associated financially with Philip just as Louis had been. The purpose of the contract was to permit the English to import 4800 negroes annually into Spanish America. Its chief importance lay in the privilege enjoyed by England to send a ship annually from the Canary Islands to America duty free. This vessel, allowed to carry 500 tons of English merchandise to the fairs of the Spanish Atlantic ports, soon began to carry goods far in excess of that amount. By 1736 it was carrying 850 tons, and remained many months in front of Porto Bello as a floating warehouse; at least forty English vessels of light draught were plying trade on the Atlantic seaboard of the Spanish colonies, in spite of protests. After the treaties of 1713, the English merchants established themselves under the *asiento* agreement, which allowed them to watch over slave importations, at Vera Cruz in strong commercial houses which soon seized and dominated the import trade until near the end of the nineteenth century, when they were superseded by French and German houses.[34] British factories were also established at Cartagena and Porto Bello.[35] In the La Plata region of South America the English obtained vaguely bounded territory upon which to establish plantations where their negroes could be employed. This concession led to constant breaches of faith and complaints from both parties. In 1750 the *asiento* was terminated,[36] but by that time the smuggling trade was too well established. The Seven Years' War was a period of unprecedented contraband prosperity, which continued after peace was declared. During the latter half of the eighteenth century the Portuguese, the French, the Dutch, the English, and finally the Americans were all engaged in illicit commerce with the inhabitants of Spanish America, both on the Atlantic and the Pacific coasts.[37]

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[33] Altamira, IV, 304–5.

[34] Bancroft, *History of Central America*, II, 587.

[35] Macedo, 35.

[36] For an epitome of the *asiento* provisions see Bancroft, *History of Central America*, II, 587, note 20; J. A. Saco, I, 298; Moses, *The Spanish Dependencies*, II, 268 *et seq.*; Scelle, II, 523 *et seq.*

Smuggling on the grand scale which developed could not have been carried on had it not been welcomed by Spanish merchants and customs officials.[38] Ecclesiastics, too, availed themselves of immunity from payment of import duties on goods for their own use to bring in large quantities of merchandise which found its way into the markets. In most cases smuggling was permitted for simple commercial advantage, though actual necessity at times prompted it, especially in ports unfrequented by Spanish ships.[39]

No other result could have followed from the restrictions thrown around commerce. It is doubtless true that these restrictions were necessitated by the force of circumstances. Always at war with other colonial powers, Spain had to guard her colonial products from nations whose seamen usually excelled her own in dexterity of navigation. It cannot, however, be said that exclusive claim to the national trade was characteristic of Spain alone. Her method was but an accentuation of the systems early evolved by her rivals with regard to their own colonies. In the end such restriction worked to the discomfiture of all nations alike.[40]

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[37] "The greatest number of English and Anglo-American vessels which enter the great ocean have the double object in view of carrying on the cachelot fishery and an illicit commerce with the Spanish colonies" (A. von Humboldt, *Political Essay on the Kingdom of New Spain*, London, 1814, III, 87). In 1800, 1801, and 1802 there were twenty such whalers from the United States (*ibid.*, 94).

[38] F. Rousseau, II, 25. See below, pp. 184, 185.

[39] Altamira, IV, 309; see below, pp. 202–5.

[40] Scelle, *La Traite Négrière*, I, 68.

6. *Remedies proposed.*—The first remedy proposed by the junta of 1765 for the unfortunate condition of colonial commerce was to destroy the monopoly of Cadiz by opening the privilege of American trade to all the provinces of Spain. This would foment agriculture and navigation, and drive the foreign merchants out of Cadiz, where they were intrenched under the same privileges as nationals.[41] The ports which it was proposed to open were Barcelona, Tortosa, Alicante, Cartagena, Málaga, Seville, Vigo, Gijón, Santander, Santona or Laredo, Bilbao, and San Sebastián. About thirty-five ports in America should be permitted to trade with the above Spanish ports. The recommendation of the junta was followed with fair promptness. By royal decree of October 16, 1765, the ports of Cuba, Santo Domingo, Porto Rico, Margarita, and Trinidad were opened to trade from Cadiz, Seville, Alicante, Cartagena, Málaga, Barcelona, Santander, Coruña, and Gijón. At the same time the *palmeo, tonelada,* and other duties were ordered abolished, *ad valorem* duties being substituted, while visitation and licensing of vessels was done away with.[42] On October 12, 1778, commerce generally with all the Indies (except Mexico and Venezuela) was opened to the above ports and to Almeria, Tortosa, Palma en Mallorca, and Santa Cruz de Tenerife, in the Canaries. Vigo was added to the list of open ports in 1783. Grau in Valencia received the same privilege in 1791, making thirteen ports in the Peninsula and two insular ports which enjoyed the privilege of American trade. In 1789 the American colonies without distinction were opened to free commerce with Spain. Prior to this, in 1774, Peru, New

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[41] There were at this time about one hundred British wholesale merchants at Cadiz, engaged in shipping articles of household and other common use to the Spanish colonies. Of French houses there were 154, seventy-two of which were engaged in the wholesale Indies trade. Many more were engaged in local business. In Madrid there were ten or twelve thousand French, while many were established at Bilbao, Barcelona, and Seville. This in spite of the opposition to them which marked the reigns of Ferdinand VI and Charles III (Rousseau, II, 20).

[42] Antúnez y Acevedo, 36–37; Saco, I, 325. Ferrer del Río, I, 463–5.

Spain, Guatemala, and New Granada were relieved of some of the prohibitions which had hitherto prevented mutual commercial intercourse.[43] In the meantime the insistence of the Louisiana colonists had obtained for them, by decree of March 23, 1768, comparative freedom of commerce, on the basis of the prior French regulations. On July 5, 1770, Campeche obtained the freedom of importing from Vera Cruz which Gálvez asked for in 1768, as will be noticed in detail in Chapter V of this work.

The junta further recommended that the system of fleets and galleons, with all their costly formalities, should be abolished. Every vessel should be allowed to sail when and whither it would. Commerce to unfrequented American ports, such as those of Porto Rico, Santo Domingo, and Cumaná, should be encouraged by having duties remitted. The minister of the Indies should have a delegate in every open port to give licenses and passports, without the necessity of recourse to Madrid for authority.

Duties should be collected on an *ad valorem* basis; no foreign produce or liquors should be shipped to America, in conformity with the prohibition placed on foreign liquors in 1755. All goods except flour—which should be duty free—should pay five per cent duty. Foreign flour, if required to supply deficiency of home production, should pay twelve reals duty per quintal. All Spanish manufactures should be exported duty free, as a means of increasing internal revenues.

All foreign manufactures, besides paying entry duties, should pay six per cent export duty, or more if necessary to protect Spanish manufactures. Special favors then enjoyed by the custom-houses of Andalusia should be countervailed by a percentage of increase necessary to equalize the advantages of all parts of Spain until internal duties could be rendered uniform. In order to prevent smuggling of imports from America, duties should be reduced both for importation and exportation. In principle, duties should be reduced in proportion to the ease with which smuggling was effected, and with respect to the value of the goods. Moderate rates should be collected in American ports. The duties should be lessened by half, as abolition of the fleets would put an end to the fairs, and so the expense connected with the sale of goods would be diminished.

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[43] Saco, I, 329; Colmeiro, II, 407; Macedo, 24.

In order to prevent loss of revenue as a result of these reductions, the prohibition of vineyards in the Indies should be rigorously enforced.[44] Vineyards already in existence should pay eight per cent instead of a prevailing two per cent of their annual product in addition to a two or four per cent increase of duty on the liquors produced. More negroes should be sent to America, in Spanish ships, and duty free, while for slaves imported by foreign traders a duty of twenty pesos per capita should be charged.[45] Development of American mines should be encouraged by reductions in the price of mercury, which was monopolized by the government. The three commercial companies of Caracas, Havana, and Barcelona should be limited in their privileges, and not allowed to engage in general commerce.[46]

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[44] See below, p. 54.

[45] Impulse to the slave trade was given by royal decrees of February 2 and October 12, 1778 (Saco, I, 337).

[46] The Caracas, or Guipúzcoa, company was organized in 1728 under the auspices of Patiño for the purpose of supplying the existing deficiency of cacao in Spain. It was conceded the privilege of sending from Guipúzcoa to Caracas two registered vessels, bearing national products and armed for war, to trade for gold, silver, cacao, and other colonial products. The trade route for this company led first to La Guayra and then to Porto Bello, where the ships discharged cargo and returned to Cadiz. They might, after supplying Venezuela, send the remainder of their supplies to Cumaná, Trinidad, Guayana, and Margarita. Furthermore, and most important, they were to police the seas and coasts of Venezuela to prevent smuggling. For this service they were granted two-thirds of the value of their prizes. After 1752 the commerce of the province of Maracaibo was granted to this company. In its time it possessed twelve freight ships and nineteen coast-guard vessels, and employed 2500 seamen. Prosperous until the war of 1779, the company found its profits then diminished, and undertook to recoup its fortunes by engaging in contraband with the Dutch at Curaçao. On February 15, 1781, Charles III revoked its title as a royal company. It was in 1784 reorganized for the purpose of engaging in the Philippine trade by way of Cape Horn, Peru, thence to the islands, and back to Cadiz around the Cape of Good Hope. This

Most important and inclusive of all, effective measures should be taken against contraband trade. The productions of Spanish America, largely precious metals, were estimated by the junta of 1765 to be about 35,000,000 pesos annually. Of this amount only 19,500,000 pesos reached Spain. The rest went mostly to English possessions in exchange for negroes and flour. About 4,000,000 pesos were consumed in America in expenses of government.[47]

Such were the plans for the restoration of commerce in 1765. Many of these suggestions were put into effect with some promptness, as has been indicated. The broadest of them waited until the great Reglamento of 1778, which was carried into effect as part of the programme of José de Gálvez, minister of the Indies. These plans constituted, in broad outline, the policy of commercial reform adhered to during the reign of Charles III. It is both interesting to note that the plan was formed early in the reign, and that Gálvez was cognizant of it from the beginning. That he was from the first committed to the spirit of the proposed reforms may be inferred from the coincidence of the date of his appointment with that of the report of the junta.[48] We also

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commerce was a failure, as it was opposed by the *gremios*, which held concessions in the Philippine trade. The Dutch also opposed the plan, alleging that it was forbidden by the bull of Alexander VI (Rousseau, II, 305–6, citing A. H. N., Estado, leg. 4075, Aranda to Floridablanca, Paris, February 20, 1787. This letter is a discussion of the rights of Spaniards to navigate around the Cape of Good Hope). Cf. Floridablanca, Apology, art. 27, in W. Coxe, *Memoirs of the Kings of Spain of the House of Bourbon* (ed. 2, London, 1815), V, 315. For additional data on the Guipúzcoa Company see Colmeiro, II, 460–1, and Moses, *The Spanish Dependencies*, II, chapter xiv.

The Havana company was organized in 1740. Its business was to trade between Cuba and Spain. It was also obliged to perform certain military duties. As late as 1785 it still owned a frigate and a packet, the remnants of a larger fleet (Colmeiro, II, 462).

The commercial interests of Barcelona founded the Santo Domingo or Catalonia company in 1751 for the trade with La Española. At the close of the eighteenth century it still had two frigates and two packets. Its commercial importance was very slight (*ibid.*).

[47] *Consulta sobre el proyecto de Comercio de America*, A. H. N., Leg. 2314.

[48] ''Carlos III, mostrándose dócil á los consejos de su sabio ministro el marqués de la Sonora [Gálvez], dió el primer paso en el camino de la

know that Gálvez served for a period as secretary to the French ambassador, and later in the same capacity under Grimaldi. His nine months' service as *alcalde de corte,* a position which brought him into direct contact with the Council of Castile, also tended to place him in intimate relations with such men as Campomanes and Moñino; that he was thoroughly *en rapport* with the reform spirit of the age will develop more fully in the sequel. His work for the reduction of the price of mercury, for lower rates of export duty from Vera Cruz, and his vehement partisanship for the intendant system will demonstrate his early adhesion to the policies which characterized the reign of Charles.

It is not maintained here that Gálvez was the initiator of these reforms. As has already been said, most of them were in process of evolution even before Charles III came to the throne. A curiously striking indication of this fact lies in the marked similarity between two notable books on Spanish economic reform. To José Campillo y Cosío, minister of finance and war, who died in 1743, is ascribed authorship of a posthumous work entitled *Nuevo Sistema de Gobierno,*[49] in which are advocated many of the changes in duties and trade regulations which were finally recommended by the junta whose report we have already noticed. Campillo died suddenly, in the midst of his work, and the reforms he advocated were delayed. The manuscript of the *Nuevo Sistema* was later found and published under his name. Strangely enough, another posthumous work, the *Proyecto Económico,* attributed to Bernardo Ward, who died about 1760, was published in 1779, the writing of the manuscript having been begun as early as 1754. In this shape the work was known and commented upon in Madrid in 1763.[50] It is significant to notice

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libertad mercantil; pero este ejemplo no fué por desgracia seguido de los reyes posteriores á quienes cumplía acabar la obra" (Colmeiro, II, 414). Cf. Colmeiro's chapter lxxviii, "Sistema Colonial," II, 375–423.

[49] Madrid, 1789, second impression.

[50] The remarkable thing about these two books is that, for several scores of pages, they contain recommendations for America which are

that both these works urge as the salient point of the plan of American reform the need of a general visitation of all the colonies, in order that certain inveterate abuses there may be wiped out. The recommendation is made by each author that the general visitation should be followed by the establishment of intendancies in all America, just as was actually done ultimately. In many other ideas, such as restriction of the *gremios* and freedom of commerce according to prevalent ideas of the time, the works presage the colonial policy of Charles III. In the main these two books follow in the footsteps of economic reform indicated by Bernardo Ulloa and his greater predecessor, Jerónimo de Uztáriz, who, born in 1689, was influential in the world of economics during the reign of Philip V. No more concrete evidence is needed, if any were lacking, to show that the reign of Charles III only brought to fruition as best it might those economic ideas which had their beginning with the advent of the Bourbon House upon the Spanish throne.[51]

7. *Influence of Choiseul.*—The reforms of commerce and administration credited to the reign of Charles III are not properly appreciated unless envisaged as phases of the struggle between

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identical not only in content but in actual words. Such variations in the texts as occur are those which, in the work of Ward, would be needed in order to adapt the work to changes in economic conditions which had ensued since the writing of the first work by Campillo. It is probable, then, that the earlier work is the genuine one, though Ward cannot be accused of plagiarism, as he has left no claim to the work as his own, it being merely found among his papers, as was the case also with Campillo. A definite decision as to who wrote the book is not possible with present data, inasmuch as no imprint was made from any copy until both economists were dead, and Ward may have simply had in his possession a copy of Campillo's manuscript which he intended to use for annotation only. It is hardly likely that a copy of Ward's manuscript would have been put into any remaining collection of Campillo's writings, so the preponderance of likelihood is that the work was composed before the death of Campillo.

[51] J. Campillo y Cosío, *Nuevo Sistema de Gobierno*, Madrid, 1789; Bernardo Ward, *Proyecto Económico*, Madrid, 1779; on Ward and his book see R. H. I. Palgrave, *Dictionary of Political Economy* (London, 1908), III, 656; on Ulloa, *ibid.*, III, 597; on Uztáriz, *ibid.*, III, 604. Strangely enough, Colmeiro, though he cites both works together frequently in parallel passages, has nothing to say concerning their remarkable textual similarity.

France and England for mastery. The kernel of the French policy in this contest during the latter part of the eighteenth century is the Family Pact of 1761, so often characterized as the master idea of Choiseul, the French minister (1758–70). The economic aspects of this treaty deserve more than passing notice. From 1715 to 1758 England had realized in both Spain and America the ambitions which France had been able merely to covet. By a series of treaties culminating in that of 1750 the British had won a virtual protectorate over Spain herself, while in America they had made inroads by occupation of parts of Central America, by opening routes through Brazil to Peru and Chile, and by advancing into Florida and upon the Gulf coast, while the distribution of contraband merchandise from Jamaica spread throughout all Spanish America.

The diplomacy of Choiseul was to arrest this advance, and to replace English by French interests. The Bourbon system was needed to effect a union of interests by which their several domains would become a unit from the Adriatic to the North Sea. But Spain could become useful to France only by being made a strong nation. This could be brought about only by a commercial and colonial reform which should assimilate the governmental machinery of Spain, and her commercial interests, to those of France. The object of France was to augment the commerce of Spain so as to make her a useful ally; Spain would profit as much as France, but her people and ministers alike had to be educated to this view.

The task of representing Choiseul confidentially at Madrid was committed to the Abbé Béliardi, agent of commerce and marine for France in Spain after 1757. The inception of the policy of maintaining such agents in Spain began during the War of the Spanish Succession. Theoretically their duties were purely commercial, but they were in reality close representatives of the French minister, often practically replacing the ambassador. This was particularly true of Béliardi, who, more energetic and adaptable than the ambassador, the Marquis d'Ossun (1758–1778), became the active personal agent of Choiseul in the development of economic reforms for Spain.

From 1758 to 1763 was a period of investigation and preparation for the economic union contemplated under the Family Pact. During this time the details of commerce, navigation, and exchange were carefully dealt with by Béliardi in memorials presented to his chief. In 1762 he ordered the French consuls in Spain to collect all the Spanish rules and regulations of commerce, all the schedules of export and import duties on foreign goods, and those on Spanish goods into France, all the usages of navigation, and all complaints of Spaniards against French laws and usage. In 1763 he compiled a report which complemented the reports of the consuls, which he entitled *Le Grand Mémoire sur le Commerce des Indes.* This was a detailed study of the commerce and resources of the Spanish colonies, a discussion of the impediments which inhibited the economic development of the Spanish empire, an exposé of the contraband trade, and a system of measures to remedy the existing state of affairs, with an indication of the advantages which France might obtain from reform of the Spanish colonies.

It is of more than passing interest to the present study to note that immediately upon the completion of these reports Béliardi was called to Paris to consult with Choiseul concerning a general politico-economic plan to be proposed to the Spanish court, with a series of immediate measures to be taken. From December, 1763, to May, 1765, Béliardi was in Paris. It was during this period that active measures were taken by the Spanish court to send a visitor-general to America. When Béliardi returned to Madrid in July José de Gálvez was about to disembark at Vera Cruz on his mission. It is to the passing complaint of Francisco Carrasco, who was first chosen for the American visitation, to the effect that the French ambassador and the Abbé Béliardi accounted the triumphs of Gálvez as those of themselves and their own nation, and that they had lionized him ever since his marriage with a Frenchwoman, that we owe the possibility of connecting Gálvez personally with the economic designs of Choiseul for Spain and the Bourbon cause.[52]

The extension of free commerce to the Spanish islands conceded by the royal decree of 1765 was indeed hailed by Choiseul and Béliardi as a triumph for the French influence in Spain, as the beginning of the reform which should check the English contraband trade which prevented Bourbon prosperity. But the French plans did not stop here. France was to build for herself a new American empire, in Santo Domingo, Martinique, and Guiana, from which to grow prosperous in supplying Spanish America with produce and merchandise which Spain herself could not supply. On the other side of the world she was to obtain from Spain one of the Philippine Islands for a center of a trade with India and China whereby she might engage in trade with Mexico, Peru, and Chile. Béliardi even planned to stop the progress of the English in the Gulf of Mexico by establishing between the French islands and the Spanish possessions a community of interest which should set the Latin Gulf against English North America. War, when it was entered into, was to be decisive. The fleet of England was to be swept from the seas, a force was to be landed on her shores, and Jamaica, Brazil, and even Portugal were to be annexed to the crowns of the allied Bourbons.[53]

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[52] See p. 4, note 3.

[53] The foregoing account of the French share in the Spanish reforms is taken from Pierre Muret, "Les Papiers de l'Abbe Béliardi et les Relations Commerciales de la France et de l'Espagne au Milieu du XVIII^e Siècle (1757–1770)," in the *Revue d'Histoire Moderne et Contemporaine* (Paris, 1902–3), IV, 657–69. The papers of Béliardi are in the Département des Manuscrits of the Bibliothèque Nationale, in ten folio volumes which contain matter of the utmost importance to the study of the commerce of Spain and France during the period of the Bourbon ascendency, particularly for the Philippines and New Spain.

8. *International complications.*—In the aspects of international policy the reign of Charles presents little more brilliancy than those of his immediate predecessors. The old story of failure in costly wars was continued. The Family Pact received its first condemnation in the defeat with which both nations emerged from the Seven Years' War. Spain then found perplexity of international policy increased by the removal of the French as a buffer power from Louisiana; the English, now upon the immediate borders of the Spanish possessions of North America, were intrenched more securely in positions on the Gulf of Mexico, in Honduras, and in Jamaica. The Peace of Paris was considered on all sides as a mere temporary truce. The English thought the treaty too advantageous to Spain.[54] Spain considered Louisiana, of which she could not obtain quiet possession, a meager compensation for the loss of Florida, and she felt that France had once more sacrificed her ally for the sake of a doubtful peace.

Both Bourbon courts, nevertheless, began immediately to prepare for the inevitable struggle. The French army was raised to a high state of efficiency. The Spanish army was trained on the model of that of Frederick the Great. The English ambassador at Madrid became alarmed at "the sudden activity which animated every dockyard and arsenal belonging to Spain in the Old and the New World."[55] The relations between Spain and England continued strained. The Spanish ministers, Grimaldi and Esquilache, refused to pay the ransom of Manila which had been promised to General Draper when he took that city in 1762, asserting that the exaction had been by force, and had not prevented the sack of the city, as had been promised. The Honduras logwood question was renewed because no territorial limits had been set to British activities in Tierra Firme by the recent treaty.

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[54] Altamira, IV, 53; W. Coxe, *Memoirs of the Kings of Spain of the House of Bourbon*, IV, 313.

[55] Coxe, IV, 373–4, quotes dispatches from Lord Rochford.

The English entered Spanish territory, but refused to submit to Spanish authority, and added to the injury by smuggling with Mexico.[56]

Aside from the Honduras and the Río de la Plata smuggling questions, the Maluines or Falkland Islands dispute was another cause for disagreement. Those islands, southeast of the coast of South America, were discovered by Spaniards, but were not occupied until the French, in February, 1764, founded there a colony which was surrendered to the Spaniards upon payment of 618,000 pounds sterling in October, 1766. Meanwhile Admiral Byron in 1765 founded Egmont upon another island of the same group. When the Spaniards took over the French colony they were ordered by the English to leave within six months. The Spaniards succeeded in expelling the English in 1770, when an expedition from Buenos Aires under Francisco Bucarely forced the surrender of the English.[57] The question of the ownership of the Falkland Islands is still considered a litigious one by the governments of both France and England.

As a means of safeguarding her interests in Europe when the conflict with England should be renewed, Spain sought by means of marriages to strengthen her ties with Austria; the Infanta María Luisa was married to the Archduke Leopold of Austria, while Carlos, Prince of the Asturias, was married to Doña Luisa, Infanta of Parma. These marriages, consummated in 1766, relieved Spain from apprehension of war in Italy over the ancient Hapsburg-Bourbon rivalry for possession of Italian territory.

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[56] J. Addison, *Charles the Third of Spain* (London, 1900), 53; Coxe, IV, 329–31. For the beginnings of British settlement on the Mosquito shore and the treaty of 1670 see Bancroft, *History of Central America*, II, 598; for the disagreements on the Honduras question following the Seven Years' War, *idem.*, 629 *et seq.*

[57] Becker, *España é Inglaterra*, 37, for the conclusion of the incident. See also A. Alvarez, *Le Droit International Américain* (Paris, 1910), 141, note, for subsequent international complications over this group of islands, and Paul Groussac, *Les Iles Maluines* (Paris, 1910); for the American view, John Bassett Moore, *A Digest of International Law* (8 v., Washington, 1906; 56 Cong., 2 sess., House Doc. No. 551. Serial Nos. 4202–4208), I, §89, p. 298; §171; VI, §944, p. 434–5.

Meanwhile adequate defense of the American colonies was undertaken. Tanucci, the former Italian minister and trainer in statescraft of Charles III, recognized the fact that reform in the American possessions was the vital question. He frequently said that America was the danger point of Europe, and that its shipping and ports needed rehabilitation, "as the fanaticism of the English to extend their conquests on that continent is daily increasing."[58]

New Spain, which was most in danger from the proximity of the English, had no public defenses worthy of the name. There were insignificant detachments of troops at Vera Cruz, Acapulco,[59] and Mexico, and some small bodies of native militia. The Marqués de Cruíllas (viceroy, 1760–66) appealed to the King for officers to train an army of militia which he desired to recruit. Heeding the necessity, Charles sent a lieutenant-general, Juan de Villalba y Angulo, to New Spain with officers and troops in 1764 to build defenses and organize militia.[60]

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[58] M. Danvila y Collado, *Reinado de Carlos III* (Madrid, 1891–96), III, 86–93, quotes Tanucci's letter of December 4, 1764 (Archivo General de Simancas, Estado, leg. 5901), and of August 6 and October 15 and 22 (*ibid.*, legs. 5994 and 5995).

[59] As late as 1771 the force at Acapulco consisted only of two lieutenants, one sergeant, twelve artillerymen, one armorer, and one constable. There was also a general hospital. The fort mounted 81 cannon and possessed 450 fusees and other small arms. The size of the force at Vera Cruz varied. At Mexico there was the regiment of the *consulado* and two squadrons of cavalry, which replaced the small regular garrison in time of need (Francisco de Croix, *Correspondance*, Nantes, 1891, 286). This volume of the viceroy's correspondence contains also a French version of his *Instrucción que dejó*, Archivo General de Indias, *Estante* 88, *cajon* 5, *legajo* 13, a manuscript copy of which is in the Bancroft Library. In subsequent citations of MSS from the Seville archive the briefer form of giving only the numbers, as, for instance, 88–5–13, will be used.

[60] See below, p. 139. Zamacois, *Historia de Méjico*, V, 596–9; A. Cavo, *Los Tres Siglos de Mexico . . . Notas y Suplemento por C. M. Bustamente*, 299; Arriaga to Gálvez, March 20, 1765, 88–5–20, refers to this new plan of defense as one of the reasons for sending out a visitor-general of real hacienda.

It has been found impracticable in the present work to refer other than incidentally to the process of the establishment of the military arm in New Spain, though in the course of the narrative frequent references

With such plans in prospect, the state of the Spanish exchequer was admittedly bad. Grimaldi, foreign minister, stated to Lord Rochford in the summer of 1765 that the funds of the government were barely sufficient for current expenses. The previous war and the re-equipment of the army and navy had drained the treasury; public credit was so bad that Esquilache did not know where to look for funds.[61]

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are made to activities in this field by Crufllas, Villalba, Gálvez, Croix, and the *mariscal de campo* Rubí. An account of the military establishment is given in John Pinkerton, *Modern Geography* (London, 1807), III, 163–65. The total strength of the military arm is given by Pinkerton as 43,191 men. The expense of their maintenance, expenditures for presidios, etc., are given in Chapter X of the present work. Estimates of the colonial army, its efficiency, its social and political influence, etc., occur in Humboldt, *Political Essay*, IV, 248–258, and in A. Rivera, *Principios Críticos sobre el Vireinato de la Nueva España* (San Juan de los Lagos, 1884–8), 82. See also Smith, *The Viceroy of New Spain*, 199–228, M. Rivera Cambas, *Los Gobernantes de México* (México, 1872–73), I, 424, and Bancroft, *History of Mexico*, III, 401–425.

Contemporaneous comment on the organization of the militia is of interest. Croix, upon whom fell a large share of the work at its inception, considered the utility of the militia as questionable, but he deferred loyally to the king's determination to augment and maintain it as a part of the enlarged scheme of defense. The efforts of Villalba, owing to the petty opposition of the viceroy, Crufllas, had resulted in the organization of troops which existed on paper only. Croix, however, by dint of much personal effort, succeeded in getting some troops of cavalry and dragoons into such shape that he could speak of them with a certain amount of pride.

The organization of native troops met with strong objections among the Spaniards, as well as with much rioting among the natives themselves. To the European mind the chief objection was that enlistment would reduce the number of persons who paid tribute. The natives more rationally saw that their taxes would be increased to support the new levies. Hence the riots. As a matter of fact, the most important class of tributaries, the Indians, were not included in the early militia, and the mulattoes, though they were freed from tribute upon enlistment, were not numerically important enough to affect the net result of tribute collections.

Croix remarked, in connection with the militia, that it "cost the treasury nothing," a conclusion at which he arrived from the fact that expenses of its organization were met by special levies, as on cacao at Vera Cruz. This childish economic idea, so frequently expressed by Spanish financial reformers and administrators, serves to show how little real conception existed among officials as to the true nature of the burden of taxation which rested on the shoulders of the lower classes, in the Peninsula and in the colonies alike (Croix, *Correspondance*, 285; *Instrucción que dejó*, 88–5–13).

[61] Rochford to Conway, August 5, 19, 1765, cited in Addison, 56–7. In the preceding four pages I have followed a manuscript work by Mr. L. P. Briggs upon the preliminaries of the occupation of California.

We have now seen what were the plans cherished by Charles III for the material prosperity of his possessions, and what were the special dangers against which he had to prepare. To the richest of his colonies he looked for means with which to carry out his plans, and thither he sent his visitor-general to act as his personal representative in the inception of the new imperial rejuvenation. It is now appropriate to turn to the consideration of the viceroyalty of New Spain, in order to review the general situation of that dependency, which was to be the theatre of the activities of José de Gálvez.

CHAPTER II

THE ADMINISTRATION OF NEW SPAIN

1. *Extent of New Spain.*—During the Bourbon régime New Spain was roughly coterminous with the modern Mexico. On the south, the territory of the present state of Chiapas was included in the captaincy-general of Guatemala, which was independent of the viceroyalty, and was governed by an audiencia, over which was a president who was also superintendent of real hacienda. Yucatán, subject to the viceroy of New Spain in real hacienda, was otherwise independent of him. It was entirely incorporated with the viceroyalty upon the establishment of the intendancies under Gálvez by the ordinance of 1786. Sweeping northward from the Isthmus of Tehuantepec along the shore of the Gulf on the east, and along that of the Pacific on the west, the territorial boundaries extended indefinitely as far as the Spanish influence could push them. There was no actual northern line until the treaty of 1819, negotiated with the United States.[1] Yet New Spain did not include the entire continental possessions, for the Floridas were administered from Cuba upon the establishment of the captaincy-general of Havana, and when in 1762 the French ceded Louisiana that vast region

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[1] Bancroft, *History of Central America*, II, 714; Rivera, *Principios Críticos*, I, 66. For a convenient portrayal of Louisiana under Spanish rule at the end of the eighteenth century see Desdevises du Desert, "La Louisiane á la fin du XVIII^{e} siècle," in *Revue de l'Histoire des Colonies Françaises*, Paris, 1915, Troisième année, pp. 235–260. The subject of Spanish administration in Louisiana and Texas following the cession of the former territory to Spain is more fully treated in Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768–1780* (2 v., Cleveland, 1914), Introd. See also, for Texas conditions, his *Texas in the Middle Eighteenth Century, Studies in Spanish Colonial History and Administration* (*University of California Publications in History*, Vol. III), Berkeley, 1915. The western frontier area is treated in C. E. Chapman, *The Founding of Spanish California; the Northwestward Expansion of New Spain, 1687–1773*, New York, 1916.

was independent of New Spain, being attached in 1771 to the Cuban domain as the Floridas had been.

On the Pacific slope the dominion of Spain was and had been for centuries free from danger of such foreign aggression as had assailed the northern Atlantic shores. Due to occasional visits of English sea-rovers, and to the myth of the Strait of Anian, the Spaniards had long harbored the fear that England might some day menace New Spain from the north. In the eighteenth century the danger from Russia, creeping eastward to throw her empire around the Pacific, became a more tangible cause of alarm. The Russian menace was renewed during the period in which Gálvez was in New Spain, and the possibility of loss of the northward coasts was used by him with telling effect when he urged the preliminary measures which resulted in Spanish occupation of California in 1769. But the northward stretches beyond the line of colonization were not seriously disturbed by Spain's rivals until after the energetic measures of Gálvez had been successful in the occupation of Monterey. Until the Nootka Convention of 1790, Spain could claim unbroken possession of the Pacific shore, with all the interior west of the Mississippi under the nominal protection of the viceroy or of the captain-general of Havana.

In actuality, however, the northern limit of occupied territory prior to 1769 lay along a line which might be drawn from Santa María (the northernmost of the Jesuit missions of Lower California) across to the missions and presidios of Pimería Alta, the little settlement of Bac representing the outpost of Spanish dominion. From Pimería Alta the line of occupation extended northeast to the New Mexican establishments, of which the most remote was the little village of Taos. Almost immediately south were the El Paso settlements, from which the line lay southeast to the Presidio del Norte, whence it extended northeast again to the presidio and mission of San Sabá, thence extending due east to the presidio of Adaes, within seven leagues of the French settlement of Natchitoches.[2] This irregular and fluctuating line was materially changed by the occupation of California and the readjustment of the line of frontier presidios consequent upon the transfer of Louisiana.

Along the northern boundary wandered tribes of Yuta, Apache, Comanche, Wichita, Tonkawa, and smaller groups of Indians, who were constant sources of trouble. They were held in a semblance of check by flying squadrons from the presidios and by formal military expeditions against them. Even within the line of Spanish occupation, where missions, presidios, mining camps, and farms were found, the country was in great part unoccupied save by the aborigines, who were in a state of constant unrest, and frequently waged prolonged warfare with the conquerors. On the western side, the country as far south as Sinaloa was considered frontier until long after the visitation of Gálvez.

The viceroyalty was divided, prior to the establishment of the intendancies, into units known as *gobiernos* (governments, called indifferently kingdoms, provinces, colonies, and *presidencias*). These units were: 1, the kingdom of Mexico, or New Spain; 2, the kingdom of Nueva Galicia; 3, the Nuevo Reino de León; 4, the colony of Nuevo Santander; 5, the province of Texas, or Nuevas Filipinas; 6, the province of Coahuila; 7, the province of Nueva Vizcaya; 8, the province of New Mexico; 9, the province of Sonora and Sinaloa. The kingdom of Mexico, or New Spain proper, comprised the territory of the present states of Mexico, Querétaro, Hidalgo, Puebla, Tlascala, Oaxaca, Morelos, Guerrero, Vera Cruz, Tabasco, Michoacán, and Guanajuato, as well as parts of San Luis Potosí, Jalisco, and Colima. Nueva Galicia lay to the north and west of the kingdom of New Spain,

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[2] Cf. Humboldt, *Political Essay*, II, 233. Bolton, *Texas in the Middle Eighteenth Century*, 102–133; the map in Bolton's work is the best graphic presentation of the eastern frontier situation.

Gobierno dela Nueva Vizcaya
Nayarit
Jurisdiccion de Zamora

3. Ponze map of Nueva Galicia, 1780, made under Royal Order of January 21, 1772. A. G. I., 103-7-11.

and comprised modern Jalisco, Aguas Calientes, Zacatecas, and parts of San Luis Potosí. In affairs of justice, Nueva Galicia was controlled by its own audiencia, that of Guadalajara; in matters of defense it was semi-independent; in finance it was subject to the viceroy. Nuevo León had approximately its present boundaries. Southern Santander is now called Tamaulipas; the northern portion now forms a part of Texas. The nucleus of Coahuila, or Nueva Estremadura, is the modern state Coahuila. Nueva Vizcaya comprised the present Durango, Chihuahua,[8] and southern Coahuila.

These political units were under the control of the viceroy in matters of government and real hacienda through military governors (except Nueva Galicia, as indicated), who were, like himself, appointed by the king, formally receiving their commissions from the Council of the Indies. The governors often kept in touch with the king through correspondence direct with the minister of the Indies, as well as by making reports to the viceroy.

Each province was divided into smaller districts, known as *alcaldías mayores;* these were subdivided into *alcaldías menores,* and the latter again into *encomiendas.* Each *alcaldía* bore the name of the chief town within its confines. There were about 200 of them in the viceroyalty, being found in the older settled regions, but not extensively on the northern frontier. A curious instance of administrative confusion is seen in the fact that *alcaldías* whose boundaries were identical on one side with provincial boundaries were sometimes attached to one province for administrative affairs while their judicial interests were under control of the neighboring province. Upon the establishment of the intendancies these kingdoms and provinces were replaced by twelve intendancies and three provinces. Most of the *enco-*

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[8] Rivera, I, 70. Wistano Luis Orozco, *Legislación y Jurisprudencia sobre Terrenos Baldíos* (Mexico, 1895, 2 v.), I, 155–166, gives the "División política de Nueva España hasta la promulgación de la Real Ordenanza de Intendentes, 4 Diciembre, 1786," with the names of all the *alcaldías* and *corregimientos* in each audiencia.

miendas were suppressed, but the designation of local administrative units as *alcaldías* and *corregimientos* continued.[4]

Bolton, than whom there is no more competent student of the frontier of New Spain, calls to attention in this connection the fact that the conditions of the older and more densely settled parts of the viceroyalty did not obtain in the frontier provinces. In California, Texas, Coahuila, and Santander the *encomiendas* did not exist; nor were the *alcaldías* numerous or contiguous, as they were in the central and southern provinces. Error of conception occurs when it is supposed that conditions in the north were static; on the contrary, frontier conditions prevailed nearly everywhere northward of Durango and Monterey, and accurate knowledge of the local administrative machinery of the frontier must await such detailed study as Bolton has made of early Texas.

2. *Population.*—The population of the country was divided sharply into four groups—the white, the black, the yellow, and the red. The white element was again divided into two groups, European Spaniards and those of American birth, or *Gachupines* and creoles. The former, who had come to the land in the employ of the government as a rule (there was a comparatively small number of *polizones,* that is, those who managed to cross the ocean without license to do so from the Council of the Indies), kept themselves socially and politically distinct from the creoles, who were held in slight esteem by the Europeans on account of their birth. Below the creoles were the *mestizos,* of mixed Spanish and Indian origin. Lower still were the various racial admixtures known as the castes. These were the mulattoes, with whom the negroes were socially assimilated, the Sambos, of Indian and negro extraction, and the Malays, whom the galleons brought

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[4] M. Riva Palacio (ed.), *México á través de los Siglos* (Mexico, 1888–89), III, 661–663. Certain perpetual *encomiendas* existed until the closing years of the Spanish régime. Orozco, *op. cit.*, I, 155–166, gives the "División política de Nueva España conforme á Real Ordenanza de Intendantes," with the local units composing each intendancy.

in considerable numbers to the western coast. The negroes were mostly slaves, though many of them had attained their freedom.[5] Intermixture of Indian and negro blood impoverished the Indian race and made it less attractive. The term *pardo* was applied to the people of the castes, while the expression *salta-atrás* ("throw-back") was used to designate individuals of mixed extraction who showed a reversion to darker facial color than their immediate progenitors. The Indians were theoretically considered as a race apart, under the especial protection of the crown and in a condition of perpetual wardship, though they were in actuality subjected to all the rigors which befall a conquered race.[6]

With all these groups the visitation of Gálvez was immediately concerned. The Spaniards felt his touch in the reorganization of official administration of the courts and the revenues; the mixed races were utilized in considerable numbers in the militias which were organized for the public defense, while hundreds of them were imprisoned for riots under his sentence. The Indians felt the weight of his iron hand in the increased efficiency with which tribute was exacted from them and in the war waged upon them under his direction.[7]

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[5] Concerning the introduction of negro slaves into New Spain in 1518 by Cortés see Saco, *Historia de la Esclavitud*, I, 113. On beginnings of limitation upon the traffic, *ibid.*, 137 *et seq.* On their first casual introduction into other parts of the Indies see Scelle, *La Traite Négrière*, I, 121–137, and for the beginnings of the traffic, *ibid.*, 139–161. See also Antequera, *Historia de la Legislación Española*, 495–6.

[6] Bancroft, *History of Central America*, I, 257–8, note 5, epitomizes the policy of the Spanish crown toward the Indians, as portrayed in the *Recopilación*. Burke, *An Account of the European Settlements in America*, 180–183, has a brief note on the people of New Spain.

[7] The comment of Croix, writing to his brother, the Marqués de Huechin, on his first impressions of the inhabitants when he assumed the viceroyalty was: "J'ai trouvé tout le pays que j'ai traversé pour parvenir jusqu'ici très beau. La capitale est magnifique et immense, mais habitée par une multitude des plus vilaines gens, de toutes espèces et de toutes couleurs, sans honneur, sans sentiments, sans habits et beaucoup sans religion. Il y a pourtant grand nombre d'honnêtes gens. . . ." (*Correspondance*, Croix to Huechin, Mexico, September 27, 1766, p. 201).

Distinctions as sharp as those of origin were observed in the division of labor. The Spaniards enjoyed all the chief positions in the government, the church, and the military service. Commerce was almost exclusively in their hands, as were such of the best landed holdings as were not controlled by the church. Being the most influential subjects, they were frequent in their demands for government favor, and the government was no less quick to appeal to them for needed financial assistance. The viceroys always found it possible, by assiduous courting, to obtain from the merchants all the advances of funds needed, frequently without interest. Croix says astutely of their habitual demands for favors: "One should seem to be interested in their demands, but he should not make decision regarding them until he has made inquiry concerning them from honest people."[8]

Many of the Spaniards remained in private life from the beginning of their residence, possessing the initiative and winning the success of typical pioneers. Too many of them amassed fortunes which were taken to Spain; the greatest wealth remaining in the country was in the hands of ecclesiastical bodies. There were, as well, some Spaniards so poor as to be obliged to enter domestic service.[9]

The creoles sought the practice of law or entered the church or government offices in the humbler capacities. Sometimes, as during the period of the Gálvez visitation, creole lawyers occupied the bench of the audiencia of Mexico, with credit to themselves and to the satisfaction of even so severe a critic as the visitor-general. As a rule, the creoles were, through lack of opportunity and natural indolence, a discontented class, quick of mind but of slight executive ability; they became the chief constituents of that proletariat which was responsible for the final overthrow of the Spanish power.

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[8] *Correspondance*, 262; *Instrucción que dejó*, 88-5-13.

[9] Alamán, *Historia de Méjico*, I, 24-27. Revillagigedo, *Instrucción Reservada que . . . dió á su Sucesor en el Mando* (written 1794; Mexico, 1831), arts. 147-151.

The *mestizos*, discriminated against both by law and custom, could not enter sacred callings or obtain public positions. They worked in the mines, enlisted in the militia, and served in menial capacities. All classes of society in which there was admixture of white blood were distinguished from the indigenes by the term *gente de razón*, or people possessed of reasoning power.

The Indian population predominated in the highland regions, while the blacks inhabited the coastal lowlands. The Spaniards were found mostly in the large cities—Mexico, Vera Cruz, Puebla, Guadalajara, Valladolid (Morelia)—and in the mining camps, where the creoles were also found in large numbers. The inhabitants of northern New Spain were thought by Humboldt to be the most robust and intellectual of the population, due to their pastoral pursuits. All foreign groups were prohibited from living among mission Indians, but the foreigners assimilated readily with the natives of secularized Indian pueblos, though in certain cities, as Zapotlán, persons of non-Indian blood were negligible numerically.[10] Of the disposal of the Indians upon the *encomiendas*, and their agricultural and mining pursuits under the *repartimiento* system, so much will appear in the course of the present narrative that it will be unprofitable to dwell at this point upon those phases of social conditions among the Indians.[11]

3. *Economic conditions.*—The occupations of the people were trade, farming, grazing, and mining. Commerce, as has been said, occupied most of the Spaniards.[12] On the plateau gold and

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[10] Alamán, *op. et loc. cit.* Humboldt, *Political Essay*, II, 242.

[11] On the beginnings of the *repartimientos* see Bancroft, *History of Central America*, I, 262–4, note 7; *History of Mexico* (San Francisco, 1883-87), II, 145–52. Cf. H. C. Morris, *The History of Colonization* (New York, 1904), I, 247.

[12] No statement of the condition of these industries in New Spain of the latter eighteenth and early nineteenth century equals the exposition of them given by Humboldt in the *Political Essay*. For farming and grazing see volumes II and III to page 103 of the latter. The mining industry occupies chapter 2 of volume III, pp. 104–454. Volume III, chapter 12, pp. 455–493, is devoted to the commerce and manufacturing. Volume IV is occupied with discussion of the affairs of public health, commerce, and real hacienda.

silver were mined in large quantities. Agriculture produced vanilla—of which all that was used in Europe came from Mexico—indigo,[13] and cacao for export; sugar and cereals hardly satisfied local consumption. Immense herds and flocks were a source of much wealth, especially along the northern frontier and the Gulf coast. On the west coast, between Acapulco and Colima, the finest cotton of the viceroyalty was produced. In the Parras district, west of Saltillo in Nueva Vizcaya, the grapevine throve particularly well, the original conquerors having discovered wild species of it there growing. At the end of the eighteenth century the wine industry of Parras was flourishing, notwithstanding the stubborn policy of the Cadiz monopolies against olive, vine, and mulberry culture in the American colonies. Indeed, though colonial legislation prohibited the vine in America, the authorities were tolerant. The Catholic Monarchs tacitly recognized olive and grape culture by levying tithes on these products. Philip II ordered their gradual abolition. His successors contented themselves by levying a two per cent duty on them.[14]

Cochineal, a very important and ancient product of New Spain, came chiefly from Oaxaca. It was one of the principal exports, after gold and silver. More important than other agricultural pursuits, from a governmental point of view, was the raising of tobacco and the manufacture and sale of its products. The organization of the government monopoly of the tobacco industry was one of the earliest tasks of Gálvez during his visitation; an account of his work in this field is given in Chapter IV of the present work. After the rapid increase of prosperity in agriculture and stock raising subsequent to the inauguration of free commerce by the Reglamento of 1778, the agricultural product of New Spain was greater by one-fourth than the value of the gold and silver of the mines.[15]

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[13] Humboldt, III, 44, says most of the indigo came from Guatemala, and that its culture was neglected in Mexico. *Ibid.*, III, 5–18.

[14] Colmeiro, *Historia de la Economía Política*, II, 393; Humboldt, II, 248; III, 18.

With regard to the desirability of manufactures in the colonies, political thought in Spain in the eighteenth century was divided. Ward and Campillo were in favor of permitting only such manufactures as would not compete with those of the Peninsula, actual or prospective. Thus woolens, linen, silk, and in general the base metals should not be manufactured in America. Especial complaint was raised against the coarse textile fabrics of Mexico and Peru. Other writers, like Ulloa and Mora y Jaraba, were quite in advance of their period, declaring that the prosperity of one part of the empire could not injure another part. They averred with much reason that manufacture, if extended in America, would tend to favor increase of population, and would act as a deterrent to the undesirable preponderance of foreign interests in Spanish commerce.[16] Actual administrative policy in this particular was adventitious. Manufacturing was actually discouraged, though usually not prohibited.[17] Cloth of excellent local reputation for quality was manufactured in Puebla.[18]

The laboring classes of the centers of population were organized into guilds; their management gave rise to serious questions of administration for several of the viceroys. The guild of bakers of Mexico was of considerable importance during the visitation of Gálvez, who organized it under special ordinances during the last year of his stay in Mexico.[19]

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[15] Humboldt, III, 96.

[16] Colmeiro, II, 395.

[17] Smith, *The Viceroy of New Spain*, 149–150.

[18] "Ce défaut de goût qui se remarque en tout dans ce pays, quoique d'une opulence excessive, est cause qu'une manufacture de draps qu'il y a dans la même ville [Puebla] est d'une grossièreté qui revolte. Les barbares qui ont possédé les premiers cette riche contrée seraient cent fois plus habiles que leurs vainqueurs, si tout ce qu'on nous dit d'eux était vrai. . . . Les draps dont nous parlions tout à l'heure se vendent bien, parce qu'ils durent long-temps; on les prefere même aux étoffes d'Europe, sans dout parce qu'ils sont extrêmement lourds et qu'ils procurent à ceux qui les portent une transpiration salutaire" (*Voyage du Seigneur Villiet d'Avignon à la Havane, la Vera-Crux et le Mexique*, in *Voyages Interessans dans Differents Colonies* (Londres, 1788), 316–17. Villiet accompanied the viceroy Revillagigedo the elder on his voyage to Mexico in 1746.

On manufacture of soap, cotton, silk, etc., see Humboldt, III, 460–465.

In the cities were gathered large numbers of the poor, who, unemployed and often unemployable, being averse to mining, having no land and no permanent interest in any occupation, proved a serious social problem. They lived at an extremely low level of civilization. When Croix came in 1765 to rule as viceroy it was almost a daily morning occurrence to find murdered persons lying in the streets of the capital. Twenty-nine were found in one month. Asylum was still granted by the churches to criminals, under misinterpretation of a law of 1755. Croix took it upon himself to put an end to this immunity of criminals; he was upheld by royal sanction in 1768.[20] These people Gálvez was expected to move to the frontier and establish in semi-military colonies where they would, it was hoped, become prosperous and valuable subjects.[21]

In their relations with the lower classes the Spaniards felt obliged to use every possible means to retain their domination, which was frequently in precarious state even prior to the successful revolution. This was due to the fact that the Spaniards were so greatly outnumbered by the subject groups.[22] During the tumults resulting from the rigorous collection of the tributes, the establishment of the tobacco monopoly, the organization of militia, and the expulsion of the Jesuits, fear of attempts to establish Mexican independence were expressed by Gálvez.[23] That official, as well as many of the viceroys, both before and after his time, commented very unfavorably upon the character of the Indians and *mestizos*. He believed, in common with many other high officials of the viceroyalty, that the lower classes could be dominated only by extremely rigorous repression of incipient disorders. Such a policy, without very careful investigation into circumstances of justice or injustice, would necessarily be followed by viceroys who could not visit remote scenes of disturbance. But Gálvez pursued the same policy in his visits to the provinces during 1767 and 1768–70, and his later influence was so predominant in the affairs of the colony that he must undoubtedly share large responsibility for the final outburst of revolution which set Mexico free from Spain.

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[19] See Revillagigedo, *Instrucción Reservada*, arts. 366–7.

[20] *Correspondance*, 262; *Instrucción que dejó*, "Imunidades," 88–5–13.

[21] Arriaga to Gálvez, Madrid, March 26, 1765, A. G. de I., 88–5–20.

[22] Cf. Bancroft, *History of Central America*, II, 251; Smith, *The Viceroy of New Spain*, 138–9.

[23] See Chapter VI.

4. *The viceroy.*—Passing now to consideration of the government of New Spain, and omitting discussion of its earlier development, we find a system of political organization at the head of which were the viceroy and the audiencia.[24] The functions of the former were chiefly executive, and those of the latter chiefly judicial, while neither enjoyed these powers to the exclusion of the other, and both were vested with subordinate legislative authority. The two arms of the government stood in much the same relations to New Spain as did the monarchs and the Council of the Indies to the entire colonial world.

The chief executive usually bore the titles of viceroy, governor, captain-general, and superintendent of real hacienda. Until the decree of April 6, 1776, the viceroys were presidents of audiencias. By that legislation *regentes* were placed in charge of the actual presidency of the audiencias, the viceroys retaining, however, the nominal title and some part of the function.[25] From December, 1786 to 1788, under the first establishment of the intendancies, superintendancy of real hacienda was vested in a separate official, but was restored to the viceroy in the time of

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[24] Antequera, 478; Revillagigedo, *Instrucción Reservada*, arts. 84–89.

[25] Antequera, 494.

Manuel Flores (1789).[26] The title of superintendent of real hacienda had been bestowed upon the viceroy Revillagigedo the elder in 1741. Cruillas and his successors were entitled also superintendents of mails, the postal service having been incorporated to the crown during his term in 1764 through the measures of Grimaldi.[27]

The viceroyal functions were grouped under four heads, that of the civil government, the superintendency of finance, the royal ecclesiastical patronage, and the captaincy-general. As viceroy, the personal representative of the king enjoyed an official pre-eminence which was often grudgingly conceded by the audiencia. The ecclesiastical patronage, and that of lesser administrative positions, enhanced his prestige. As governor, he was in charge of the province or kingdom of Mexico. As captain-general, he was head of the military forces and of such naval establishment as existed. He was advised in matters of defense by an *auditor de guerra*, who was a sort of special counsel. Croix ignored his *auditor de guerra*, and sought the advice of an assessor of his own choosing.[28] With advice from a fiscal, the viceroy sat as a court of appeal in final judgment of military trials.[29] Ordinary cases of justice were often brought voluntarily before him, as the highest authority in the land. After a preliminary hearing he referred cases not of grave importance to the ordinary courts of first instance.[30] As superintendent of real hacienda, the viceroy had, with the *tribunal de cuentas* and the *junta superior de real hacienda*, close supervision of the public revenues, their collection and disbursement.[31]

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[26] Revillagigedo, art. 740.

[27] See below, pp. 377–8, note 124.

[28] Croix, *Correspondance*, 284; *Instrucción que dejó*, 88-5-13.

[29] Revillagigedo, art. 98.

[30] Croix, *Correspondance*, 263; *Instrucción que dejó*, 88-5-13.

[31] See below, pp. 67–70, 76–77.

An important limitation of the power of the viceroy was the provision for the *real acuerdo*, a name given to a board (and to its decisions) of the judges of the audiencia sitting with the viceroy to deliberate on weighty affairs of administration.[32]

A far-reaching prerogative of the viceroy was his right to decide what matters were to be determined as affairs of administration, and what was to be considered as within the province of the audiencia; this legal provision minimized conflicts of powers.[33] Persons aggrieved by the viceroy might, however, carry appeals from his measures to the audiencia. In disbursement of funds the viceroy was obliged, except in cases of emergency, to act in accord with the *junta superior* composed of the heads of the branches of real hacienda, and with the fiscal of that institution. He could not grant military appointments or promotions without first proposing them to the crown, and in the exercise of the royal patronage (*real patronato*) he was practically limited to naming priests presented to him by the bishops for nomination, though he had also some control over the religious orders and their colleges.[34]

When a visitor was sent to the viceroyalty the power of the viceroy often became secondary to that of the visitor, whose functions were independent in judicial affairs, and sometimes practically so in administrative affairs. Force of personal character sometimes insured the ascendancy of the visitor. The viceroy was subject to the visitation in matters concerning his presidency of the audiencia, but in his other functions he was exempt from that legal process, they waiting for the formal *residencia*, or judicial inquiry at the end of his term (three, later five, and often an indefinite number of years, at the will of the monarch). The visitation and the *residencia* are discussed at length in the third chapter of this work.

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[32] *Recopilación*, ley 45, tít. 3, lib. 3. Alamán, *Historia de Méjico*, I, 45, and Antequera, 484, agree in the assertion that the viceroy was not obliged to obey the decision of the *acuerdo*. In affairs of routine, and often in matters of vital importance, particularly those affecting frontier problems, the fiscal's recommendation to the viceroy decided the issue at stake. ''Como pide el Señor fiscal''—''let it be as the fiscal requests'' was the busy viceroy's brief mode of disposing of affairs. Cf. Bolton, *Texas in the Eighteenth Century*, *passim*.

[33] Revillagigedo, art. 93.

[34] Alamán, *op. cit.*, I, 42; Smith, 229-247; Revillagigedo, 21-62.

The governors of provinces, acting under the viceroys, were military rulers whose principal duty was maintenance of the peace. The municipal units were controlled by *cabildos* or *ayuntamientos*, composed of hereditary and elective *regidores* varying in number according to the size or class of the unit represented, or according to its state of political vitality. The *alcaldes mayores* and *corregidores*, judicial and administrative officers of districts and municipalities, left few local administrative duties in the hands of the governors, who were nevertheless intimately concerned with the work of the treasury officials (*oficiales reales*) in the collection of taxes and the promotion of crown revenues. Aside from this supervision, the governors had the judicial faculty of referring military juridical matters to the viceroy.

5. *The audiencias.*—There were in New Spain two audiencias with functions both judicial and administrative, as has been said. The two audiencias had practically identical relations with the Council of the Indies. That of Mexico, created in 1527, was always the larger and the more important of the two. It was first organized with eight *oidores*, who heard civil cases, and four *alcaldes del crimen* or *de corte*, who tried criminal cases. There were two state attorneys (*fiscales*), the one for civil, the other for criminal prosecutions. There was one court bailiff (*alguacil mayor*), beside other minor officers.[35] During the latter part of the Spanish régime the corps of this audiencia was increased; there were added a *regente*, who presided instead of the viceroy, two *oidores*, one *alcalde del crimen*, a fiscal, and other lesser at-

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[35] *Recopilación*, ley 3, tít. 15, lib. 2; Rivera, *Principios Críticos*, I, 81.

tachés. The fiscals, even after the appointment of the third one, were very busy and important officers, having under their care representation of the state in legal processes, and being called upon habitually to render legal advice to the viceroy in affairs of administration. Especial responsibility rested upon the fiscal of real hacienda to protect the treasury in the numerous suits and administrative difficulties to which its complex organization gave rise.[36] The lesser functionaries of the audiencia numbered over eighty. Two hundred attorneys practiced before the audiencia. The *oidores* were divided into two chambers for civil cases, the criminal judges forming a third chamber. In grave affairs of administration the alcaldes were called into the *acuerdos* of the *oidores* and viceroy. The alcaldes had police duty over five of the wards (*barrios*) of the capital, just as did the *alcaldes ordinarios* over sections of smaller cities.[37]

The judicial power of the audiencia of Mexico extended to the hearing of all causes, in first instance or on appeal, and in cases of appeal from the viceroy on contentious points of justice between parties; from the decision of the audiencia there was no recourse save by appeal to the Council of the Indies. Territorially its district was New Spain proper, with Yucatán, Cozumel, Tabasco, and Nuevo León and Tamaulipas on the south and north.

At the time of the Gálvez visitation this audiencia still numbered fourteen members, including the fiscals. Three members, one *oidor*, one fiscal, and one *alcalde de corte*, were absent in Spain and the Philippines. Most of the judges were at that time creoles, notwithstanding the express prohibition of the law; yet their relationship with powerful families had not militated against the uprightness of their judgments, as they maintained the practice of voluntarily withdrawing from hearings in which bias through relationship might affect their decisions. Both chambers were presided over by the criminal judge (*alcalde de corte*), the presidency of the civil chamber being vacant, while both *fiscalías* were remarkably well discharged by José Antonio Areche, who later came into greater fame as visitor-general of Peru during the insurrection of Tupac-Amaru. In the criminal chamber the senior judge (*decano*) was too old, and his *subdecano* too infirm, to work. Even with this handicap the audiencia was prone to observe more than the prescribed number of holidays, and hence, needless to say, was sadly behind with its calendar.

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[36] Revillagigedo, art. 70.

[37] Beristain y Souza, ''Audiencia de Megico,'' in his *Biblioteca Hispano Americana Setentrional* (Amecameca and Santiago de Chile, 1883–97); Alamán, *Historia de Méjico*, I, 49; Rivera, I, 30; Revillagigedo, art. 66. Bancroft, *History of Central America*, I, 269–73 and notes, contains a brief account of the inception of the New World audiencias. The dates of their foundations, omitting the audiencia de los Confines (1543), are given in Antequera, *Historia de la Legislación Española*, 477.

Croix, in speaking of this audiencia, said that he had the power, as president, of attending court sessions, requiring judgments to be passed, indicating the days for session, designating judges for special cases, and of withdrawing from a case any judge who ought not to be allowed to vote on it. When this was necessary, it was best accomplished by assigning to such a judge some other special commission, though in case of notorious unfitness the viceroy might actually remove an *oidor* from his position pending royal action.[28]

The second audiencia, that of Guadalajara, established in 1548, was organized with a president and four *oidores,* who also served as *alcaldes del crimen.* The presidency was at first bestowed upon a *ministro togado,* but from the beginning of the eighteenth century the position was held by military men, an arrangement whereby there was a decrease of one vote in cases of justice. There was one fiscal, one *alguacil mayor,* and one *teniente de gran chanciller* (vice-chancellor), as at Mexico.[39] The alcaldes were overworked, and frequently asked that a *sala del crimen* or at least more *oidores* might be added to the court. Croix planned to add two *oidores,* but the proposal for the erection of the *comandancia general* of the northern interior provinces, made in 1768, and accepted in principle the following year, was deemed to have rendered the addition of judges to the Guadalajara court superfluous.[40] By 1792 the number of officers of this audiencia were a president, a *regente,* five *oidores,* and two fiscals.[41]

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[28] Croix, *Correspondance,* "Tribunaux," 265; *Instrucción que dejó,* 88-5-13; Gálvez, *Informe General que en Virtud de Real Orden instruyó y entregó el Exmo. Sr. Marqués de Sonora . . . con fecha de 31 de Diciembre de 1771* (Mexico, 1867), 9-11.

The judicial power of this audiencia was identical with that of the tribunal of Mexico. Its hearings were, in fact, mostly confined to criminal causes and suits over lands and mines. Its jurisdiction embraced Nueva Galicia, Culiacán, Copala, Colima, and Zacatula, or, using the modern names, the states of Jalisco, Zacatecas, Durango, and Colima. Sonora, Sinaloa, New Mexico, Chihuahua, Coahuila, and Texas were added later.

The president of Nueva Galicia and the audiencia of Guadalajara were made by their constituent cédula subordinate to the viceroy, and were enjoined to "have with him the good accord owed to one who represents our royal person." The president often had upon his shoulders grave responsibilities. In 1740 Aysa, the president, maintained 4000 Spanish troops and 8000 auxiliaries to defend the coast against an expected raid by Anson. He provided funds for this force from private donations, and reaped the reward of being chided by the King for his extravagance, though the viceroy had ordered him to spare no expense in providing safety. On the other hand, the president was freed from responsibility for the northern frontier when the wars in Sonora devastated that province before and during the visitation of Gálvez. The attempt to suppress this revolt was managed entirely by the viceroy and his governors until the time of Gálvez.

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[39] *Recopilación,* ley 7, tít. 15, lib. 2; Rivera, I, 82.

[40] Gálvez, *Informe General,* 11.

[41] Revillagigedo, art. 66.

The audiencias were recognized for their dignity and probity, but their efforts to encroach upon administrative ground and their bickerings over ceremonial and precedence were conspicuous faults. Aside from their functions as members of courts sitting *en banc*, and that of advising the viceroy or the president, the *oidores* exercised individual functions as special commissioners and as visitors of districts, and as coadjutors in the *tribunal de cuentas*, or central accounting office and court of real hacienda, and in the *juzgado de bienes de difuntos*, or probate court. For these duties they received stipends in addition to their salaries, which made the position of *oidor* much coveted. Incumbents of the office were hedged in by restrictions on their social activities; they were forbidden to marry or engage in commerce within their jurisdictions, or even to maintain familiar social relations with any one, lest their administration of justice be thereby compromised.[42]

6. *The Inquisition.*—Of wider jurisdiction than the audiencias was the Inquisition. It was established in Mexico in 1571, and had authority in affairs of the faith throughout the entire viceroyalty, the Windward Islands, Guatemala, and the Philippines. The court was composed of three members, the youngest of whom acted as judge. Croix during his term experienced little difficulty with the Inquisition, finding its members capable, honorable, and pleasant to deal with. When occasion arose in which the Inquisition tried to intervene in cases which belonged to the *sala del crimen*, Croix found it possible to compose the

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[42] For more extended discussion of the audiencias see Solórzano, *Política Indiana*, II, 268–307; Desdevises du Desert, *L'Espagne de l'Ancien Régime*, II, *Les Institutions*, 138–156; H. Vander Linden, *L'Expansion Coloniale de l'Espagne jusqu'au Debut du XIX*^{e} *Siècle*, 349–351; W. G. F. Roscher, *The Spanish Colonial System*, E. G. Bourne, ed. (New York, 1904), 24–25; see also *Recopilación*, tít. 16, lib. 2, *passim*.

difficulty in conference with the ranking inquisitor. Decision as to competency of jurisdiction rested with the viceroy, under an ordinance of 1765.[43] The Inquisition was, in fact, little checked by the viceroys until the time of the second Revillagigedo, who obliged it to consult himself before issuing edicts.

This court did not concern itself with cases in which Indians were involved. The clergy had a special legal institution of their own, under the canonical law, with their own church tribunals and class privileges, or *fueros,* which were gradually limited by establishment of competency of the courts of the crown in all cases under criminal law, and with the declaration that cognizance of cases involving pious funds and foundations for the support of the clergy should be taken into the secular courts. Questions of competency of jurisdiction between ecclesiastical and civil courts were decided by the viceroy.[44]

7. *La Acordada.*—Another court of general jurisdiction was *La Acordada.* It was established to deal with cases of highway robbery in outlying districts, the audiencias often being too remote and their dockets too full for efficient trial of these cases. Ordinary courts were empowered to try such cases at first, and even to impose penalties of death or mutilation. In 1601 this right was limited by the audiencia of Mexico, which reserved the right of review before execution of such sentences. As crime increased special criminal courts were established in 1634, under officers known as *provinciales de la hermandad,* modeled after the famous Santa Hermandad of Castile.[45] These *provinciales* were empowered to inflict the death penalty on all robbers save Indians, who were to be tried in the ordinary courts. The culprits often evaded justice by seeking sanctuary in the churches, efforts to prevent which were unavailing. Under the viceroy Valero the *hermandad* was relieved of the need to report its sentences

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[43] Croix, *Correspondance,* 266–7; *Instrucción que dejó,* 88–5–13.

[44] Alamán, *Historia de Méjico,* I, 47. Revillagigedo, art. 97.

[45] *Recopilación,* ley 1, tít. 4, lib. 5.

to the audiencia, and appeal in robbery cases was abolished. This measure was passed by Valero in accord with the audiencia, and approved by the king in 1722; the mode of establishment gave name to the court, which was made of exclusive jurisdiction. The tribunal received enlarged powers in 1747, when it took charge of the roads of New Spain, Nueva Galicia, and Nueva Vizcaya; it later had jurisdiction over prohibited beverages. By cédula of December 21, 1765, the process of *La Acordada* was made verbal and summary. In spite of the opposition of the *sala del crimen* of the audiencia, this court came to monopolize the criminal business of the courts. In the time of Revillagigedo it was trying four-fifths of the criminal cases. The captain of the *hermandad* exercised power through some 2500 subordinates throughout the viceroyalty. They gave their services, and composed a vigilant and effective police force. Competency of jurisdiction as between the *sala del crimen* and *La Acordada* depended on which court seized the criminal to be tried.[46]

The first captain of *La Acordada* was José Velázquez, who made his name a terror to brigands. He was succeeded by his son, who was in turn succeeded by Jacinto de Concha, the incumbent during the term of Croix. Concha was then old and infirm and eager to lay aside his office, but, though he submitted names of three nominees as possible successors, no one could be found who would satisfy the requirements for so arduous a position.[47]

8. *Courts of first instance.*—There were also a number of semi-administrative courts. The alcaldes and their courts have already been referred to. These were the *jueces ordinarios* who had charge of ordinary criminal and civil law in first instance in the cities and towns. They constituted a judicial hierarchy

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[46] Alamán, *Historia de Méjico*, I, 50–55; Bancroft, *History of Mexico*, III, 272–276. Bancroft is based on Alamán. Revillagigedo, art. 99. Gálvez, *Informe General*, 11–12.

[47] Croix, *Correspondance*, 268; *Instrucción que dejó*, 88–5–13. Gálvez, *ubi supra*.

covering the entire colony, with the audiencias at their head. Civil courts attached to the revenue offices were as numerous as those offices. Prior to the ordinance of the intendants, the jurisdiction in matters concerning revenues was held first by the *jueces ordinarios*, and later by the officers of the treasury and subtreasuries. Upon the passage of the above-mentioned ordinance the intendants were given jurisdiction in matters of real hacienda.[48] The descendants of Cortés had special judges, named by the governors of their hereditary estates. Appeal from these magistrates lay to one *oidor*, or, in case of the death penalty or other serious sentence, to the *sala del crimen* entire.[49]

9. *The Tribunal de Cuentas.*—This was a court of public accounts, which sat in the same building as the audiencia, and exercised administrative and judicial functions in connection with real hacienda, of which it was the ranking tribunal. It was empowered by ordinance of October 29, 1605, to hear and decide extra-legal questions concerning accounts of real hacienda which had assumed the gravity but not the form of suits. Suits occasioned by measures of the accountants of this court were heard in first instance and on first appeal by three *oidores* of the audiencia, named for the suit by the viceroy or the president. Two accountants sat with them, having consultative votes. Defense of the king's interests was in the hands of the *fiscal de hacienda* of the audiencia. Appeal by either party to suits lay to the Council of the Indies, if first appeal as above did not result decisively.[50]

When the court was organized it was composed of three chief accountants (*contadores*), two lower accountants (*ordenadores*), and one marshal (*alguacil ejecutor*). These officers were gradually increased in number. In 1771 the *tribunal de cuentas* was composed of a *regente*, an *alguacil mayor*, four *contadores de resultas*, six *ordenadores*, five *ordenadores de provincia*, two *oficiales de libros*, one *escribano*, and one *portero*. The combined salaries amounted to 39,331 pesos per annum. Though there were eighteen *ordenadores* of the various classes mentioned, the accounts were in wretched condition, the balance sheets always being two or three years behind time. The *ordenadores* all had the same duties to perform, but there were absurd discrepancies in their salaries. The three *contadores de cuentas*, originally accountants, as their name indicates, had ceased to work at the books except for extra pay out of hours, and now only attended sittings (the *mesa mayor*) as members of the court of audience. This they had done upon their own initiative, contrary to the provisions of the law. Gálvez urged the court, by various *autos de visita*, to amend this condition, but his efforts met with little success. While the vistor was absent from Mexico on the frontier in 1768, Croix recommended the reduction of the accounting force to the number of twelve, suggesting that they should have the salary which had previously gone to the eighteen accountants. Yet, though some of the improvements suggested by Croix were adopted in 1776, Revillagigedo found the books of the treasury in as bad condition as Gálvez had found them. In 1790 a number of employees were added and salaries were raised.[51]

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[48] Revillagigedo, art. 100.

[49] Revillagigedo, arts. 100–107.

[50] *Recopilación*, ley 33, tít. 1, lib. 8; see also the *título* throughout. Gálvez, *Informe General*, 13.

The *tribunal de cuentas* was obliged to keep records like those of the audiencia, to observe the same secrecy in its decisions, to summon witnesses or persons to be tried, and, in accord with the viceroy or president, to send out officers to collect fines or sums due the treasury. Competency of jurisdiction between the audiencia and this court was decided by votes of the viceroy or president, one *oidor* and one *contador*. The orders of the court were enforced by governors of provinces, *corregidores*, and alcaldes, as well as by prison wardens (*alcaldes de cárceles*). In meetings of juntas affecting real hacienda the senior *contador* had a seat and a vote.

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[51] Gálvez, *Informe General*, 13–14; Revillagigedo, arts. 800–801.

The *tribunal de cuentas* did not figure as a mere adjunct of the audiencia, but had direct relations with the Council of the Indies as well. It reported annually to that body an account of the state of its business, with recommendations as to measures deemed advisable to be taken. Questions of doubt as to procedure in the tribunal were decided by that body itself, without intervention of the audiencia. Nor might review of its orders to collect sums due be had by the audiencia until after such sums had been paid, when the intervention described was in order.[52]

10. *Municipal corporations.*—Important administrative duties were performed by the municipal corporations (*ayuntamientos* and *cabildos*).[53] Except at Mexico, where creoles and Europeans shared the positions equally, the city governments were managed almost exclusively by creoles. The *ayuntamientos* and *cabildos* were in charge of municipal improvements, police, and the handling of municipal revenues. They were composed of varying numbers of perpetual and elective councilmen (*regidores*). In Mexico the *regidores* elected two alcaldes every year and six term *regidores* every two years. One of the latter was syndic, or city attorney, who was usually of great influence in the corporation on account of his legal education and social category. The hereditary *regidores* were first sons of old families, whose Spanish founders had bought the office in perpetuity for their sons. The municipal alcaldes had charge of ordinary judicial processes and, in addition, control of police jurisdiction over the wards, or *barrios.*[54]

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[52] *Recopilación*, ley 58, tít. 1, lib. 8; ley 86, tít. 1, lib. 8; Alamán, *Historia de Méjico*, I, 57. Villaroel, *Enfermedades Políticas*, 53, speaks of the *tribunal de cuentas* as "tercera sala de la audiencia." Failure to elect *alcaldes* and *regidores* was a conspicuous sign of decay of municipal administration. See pp. 222, 225.

[53] See above, p. 60.

[54] Alamán, *Historia de Méjico*, I, 57; R. M. de Labra, *Orientación Americana de España* (Madrid, 1909), 128; Bourne, *Spain in America*, 235–6.

The plans and measures of Gálvez for the improvement of municipal offices and officials, for inducing them to assume responsibility for the collection of royal revenues, and for increasing and husbanding municipal revenues, will constitute part of the discussion of later chapters of the present work.[55]

11. *The Consulado.*—A judicial and administrative corporation of wide influence was the *consulado* of Mexico. This was the commercial organization of the viceroyalty, possessing the general character and purposes of a modern chamber of commerce, but acting in addition as an arm of the government for collecting certain duties, for encouragement of agriculture, and for construction of numerous public works. It was a body of great wealth and influence; with it Gálvez had his battle royal concerning the inception of his plan for reform of customs collections.[56] Yet, strangely enough, it was during his later ministry that there was a marked increase in the number of *consulados*,[57] and a great development of their power and revenue-producing capacity.

The *consulado* of Mexico was established because of a representation by the *cabildo* of Mexico that the commerce of New Spain had experienced astonishing growth and activity, while at every step suits and questions of administration were arising over the affairs of commercial companies, bankruptcies, insurance, and so on, whereby the ordinary courts were overwhelmed, causing exasperating delays, injuries, and expenses. There was opposition on the part of some of the scriveners and attorneys of Mexico, who even went so far as to set themselves against the enforcement of the royal cédula of June 15, 1592, under which the *consulado* was officially recognized.[58] It, like the later *consulado* of Lima, owed its inception to viceroyal initiative. That of Mexico was in 1603 styled the *Universidad de los mercaderes* (university of merchants); the Lima body was in 1627 given the name *Universidad de la caridad* (university of charity).[59] The ordinances of both bodies were made constituent laws by royal enactment.[60]

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[55] On the alcaldes, *cabildos*, etc., for further material see Solórzano, II, 250–260; F. W. Blackmar, *Spanish Institutions of the Southwest* (Baltimore, 1891), 153–191, has a discussion of later Spanish colonial municipalities. O. G. Jones, "Local Government in the Spanish Colonies as Provided by the *Recopilación*" (in *The Southwestern Historical Quarterly*, July, 1915, Vol. XIX, No. 1, pp. [illegible]–90) gives the main legal provisions.

[56] See Chapter V.

[57] This expansion of the *consulados* was provided for in Article 53 of the *Reglamento de Comercio Libre*, Oct. 12, 1778, and a royal cédula of November 24, 1784. *Consulados* were established at Seville, Málaga, Alicante, Coruña, Santander, and San Cristóbal de la Laguna, Tenerife, in 1784, 1785, and 1786 (A. X. Pérez y López, *Teatro de la Legislación Universal de España é Indias* (28 v., Madrid, 1791–98), VIII, 338.

The *consulado* of Mexico had at its head one *prior* and two *cónsules,* who were elected by thirty merchants, and served both as executive committee and tribunal of the organization. Associated with them were five *diputados,* who exercised advisory functions. The membership was composed of Spanish wholesale merchants or shipping agents, married men or widowers over twenty-five years of age. Alamán states that the membership was Castilian. The retiring *prior* and the one retiring *cónsul* each year retained consultative authority during the term of their immediate successors.[61]

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[58] J. N. Rodríguez de San Miguel, *Pandectas Hispano-Megicanas* (Mexico, 1852), II, 353.

[59] Moses, *The Spanish Dependencies in South America,* II, 68–70) makes the *consulado* of Lima owe its inception to the Prince of Esquilache, the viceroy who succeeded Montesclaros, and dates its organization 1619.

[60] *Recopilación,* ley 1, tít. 46, lib. 9. See this título *passim* for the laws governing the American *consulados.* The *Ordenanzas del Consulado de la Universidad de los Mercaderes de esta Nueva España* (1636), reprint, Mexico, 1772, are in the Bancroft Library. A translation of them is given in C. E. Chapman, *The Spanish Consulados of the Eighteenth Century* (Master's thesis, Berkeley, 1910) MS. A third and last edition of the *Ordenanzas* appeared in 1816. For guidance in matters not covered by its own ordinances the *consulado* of Mexico was governed by the *Ordenanzas de Bilbao,* which enjoyed greater repute in Spain than the ordinances of Burgos and of Seville, and were gradually extended to America. They were discarded in Spain upon the establishment of the mercantile code of 1829, but in Mexico they constituted the only mercantile code in existence as late as 1852 (Rodríguez de San Miguel, II, 354–5).

[61] *Historia de Méjico,* I, 59–60; Croix, *Instrucción que dejó,* says that the *prior* and *cónsules* were elected alternately from the Montañeses and

The *consulado* was maintained by funds derived from collection of the *avería* (convoy duty). It was authorized to employ clerks, porters, attorneys, special representatives before the viceroy, and agents in Spain. Salaries were paid to all officers, representatives, and employees.

The *prior* and *cónsules* held court thrice weekly. Their jurisdiction was competent in all suits concerning commerce, between merchant and merchant, between partners, or in controversies resulting from sales or exchanges, or fulfillment of shipping contracts. Cases brought before the *consulado* were to be decided *á verdad sabida y buena fe guardada,* that is, without the legal complexities and formalities which characterized Spanish jurisprudence, and which still remain the evil inheritance of all nations of Iberian origin.[62]

Appeal lay to an *oidor* of the audiencia, appointed annually for the purpose by the viceroy. If a judgment was reversed by the *oidor,* he might review the case sitting with two merchants chosen by himself and sworn for the hearing; beyond this there was no further appeal. Questions of competency of jurisdiction were determined by the viceroy without appeal.[63]

The *consulado* of Mexico had territorial jurisdiction over the entire viceroyalty, Guatemala, Yucatán, and Soconusco. Its hearings were at first intended to be oral and brief, but the court departed from that practice, indulging in long formal trials, and as a result its judicial functions were gradually absorbed by the audiencia and the other courts.[64]

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the Vizcaínos. Merchants of other origin took sides with these two groups according to their business affinity.

[62] Macedo, *Tres Mongrafías, I, La Evolución Mercantil,* 35.

[63] *Recopilación,* ley 37, tít. 46, lib. 9; ley 40, same tít. and lib. Revillagigedo, *Instrucción* (1754), I, arts. 92 and 336. *Ordenansas del Consulado,* arts. 1, 10, 11; Moses, *The Establishment of Spanish Rule,* 173–6, on the Caracas *consulado.*

[64] Linares, *Instrucción que dejó* (1716), in *Instrucciones que los Virreyes de Nueva España dejaron* (Mexico, 1867), 310–311.

The most efficient work of the *consulado* was in promoting commerce and assisting government enterprises for the public welfare. The members were men of means, accustomed to affairs and to handling large sums of money. During part of the eighteenth century it collected the *alcabala* (duty on all sales) of Mexico City. That function was withdrawn by the elder Revillagigedo under royal order. Aside from the *avería* and the *alcabala*, other imposts were sometimes collected by the *consulado*. Among them was the *peage*, a toll collected on vehicles and pack animals using the roads, for the maintenance of the latter.

Villaroel, an attorney of Mexico, in his *Enfermedades Políticas*[63] (MS, 1789), was censorious of the *consulado*, thinking that its powers hindered rather than helped commerce, and that its members, being old as well as wealthy, were not suitable ministers of justice. Alamán dwells on the public benefactions of the *consulado*. It was responsible for the erection of the customhouse of Mexico and the hospital of the Bethlehemite friars. It built roads and excavated the famous Huehuetoca canal for the drainage of the City of Mexico. It maintained a regiment at its own cost and in 1762 put it into service for the defense of the capital when a descent of the English upon Vera Cruz was feared. This regiment often policed the city of Mexico, and in the expulsion of the Jesuits it lent its assistance. Frequently the *consulado* gave or lent money to the government for needs which would otherwise have gone unprovided for, as when Gálvez obtained money from it for his Sonora war.[64] How firmly intrenched the *consulado* was in its control of commerce, and how conservative it was in resenting any encroachments on its ancient privileges, will develop in the narrative of the fifth chapter of this work.[67]

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[63] For a notice of Villaroel and his manuscript see Beristain y Souza, *Biblioteca Hispano Americana Setentrional, Adiciones y Correcciones* (Mexico, 1898), 622–3.

[64] Alamán, *Historia de Méjico*, I, 61–64. During the rule of the second Revillagigedo the *avería* duty of one-sixth per cent yielded the *consulado* 70,000 pesos per annum (*Instrucción Reservada*, arts. 117–8).

12. *The Cuerpo de Minería.*—An important court which owed its creation to the efforts of Gálvez was that of the *cuerpo de minería* (miners' association). This body occupied the same position with regard to the mining industry as did the *consulado* with regard to commerce. Gálvez began, almost as soon as he arrived in New Spain in 1765, to promote the welfare of the mining industry. The movement to grant the miners status on a par with that of the merchants was very slow, and it was not until 1771, at the close of his term, that Croix recommended that new general ordinances for the miners should be framed. The Council of the Indies concurred in June, 1773, whereupon the viceroy (Bucarely) was ordered to draw up the ordinances. In September, 1774, the viceroy advised the king that the miners proposed not only a body like the commercial *consulados* but wanted to establish a bank for the promotion of mining, a new college of metallurgy, and a new mining code. The Council of the Indies approved this idea in the spring of 1776, whereupon the king ordered the wishes of the miners granted. The new ordinances were prepared and sent to the king in August, 1779, and proclaimed by Gálvez as minister of the Indies in 1783.[68]

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[67] The constituent congress of the United Mexican States decreed the suppression of the *consulados* (a second one was established at Vera Cruz in 1795) within the federation on October 16, 1824, because their Spanish membership had actively opposed independence. At that time the revenues of the *avería* and *peage* were ordered transferred from the *consulado* officers to the public credit, with all assets, books, and accounts. The judicial functions of the abolished *consulados* were transferred to the alcaldes or *jueces de letras*, who were to sit with two colleagues to be chosen from four nominees of the litigants. Even when in 1837 it was ordered that the old Spanish courts should cease to exist when once the superior tribunals and courts of first instance had been established these *juzgados mercantiles* were continued wherever they had been created. That of Mexico City was still in existence in 1852 (Rodríguez de San Miguel, II, Nos. 2559, 2560, and note.)

[68] *Reales Ordenanzas para la Dirección . . . del . . . Cuerpo de la Minería* (Madrid, 1783).

Humboldt makes the statement that the tribunal was organized in 1777. It sat in the viceroy's palace. By its ordinances the court was composed of a director,[69] two deputies from the *cuerpo de minería*, an assessor, two consultors, and a judge. After 1791 there were thirty-seven councils of the provincial mines which were dependent upon this central court. The proprietors of mines sent their representatives to the provincial councils, while the two resident deputies at Mexico were chosen by the district deputies. The tribunal maintained *apoderados*, or agents, at Madrid for the purpose of representing their interests at court.

The effect of this organization was to make the mining operators more sensible of their real community of interest, though jealousies retarded their most profitable co-operation. The income of the court was derived from two-thirds of the seigniorage duty, which was one real in each mark of silver delivered to the mint. From this revenue the tribunal paid the salaries of its officers, maintained a school of mines in which creoles and Indians were instructed, and made loans to promote mining operations. Not the best of business acumen was observed in advancing these loans. During the wars of the close of the century the *cuerpo* was obliged to donate large sums to the crown and to make loans which were not promptly repaid. To meet these demands, the miners had to make loans on their own account, and as a result half the income was expended in payments of interest.[70]

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[69] The first director was the famous Joaquín Velásquez de León, who so surprised Chappe d'Auteroche by the exactness of his astronomical observations upon the occasion of the Frenchman's visit to Lower California in 1769 to observe the transit of Venus (A. Peñafiel, *Ciudades Coloniales y Capitales de la República Mexicana*, Mexico, 1908–14), *Estado de Guerrero*, 2ª parte, cap. xii.

[70] Revillagigedo, arts. 465–473; Humboldt, III, 323–27. The ordinances made by Gálvez for the tribunal and *cuerpo de minería* were translated by H. W. Halleck and printed in *A Collection of Mining Laws of Spain and Mexico* (San Francisco, 1859), 187–308. Villaroel, *Enfermedades Políticas*, 66–68, severely criticized the business skill of the directors of this organization.

13. *Real Hacienda.*—It now remains to note certain characteristics of the department of public finance, or real hacienda. Practically every office and officer mentioned in the preceding pages had dealings with the royal estate. Care and development of crown revenues, their collection and disbursement, all combined to constitute a phase rather than a department of government. It was to create revenues that the colonies existed. Real hacienda, then, meant more than "treasury" or "exchequer"; it included all the royal possession (*haber*); it touched every phase of private as well as public life; even religion itself was utilized to bring coin into the royal coffers. Real hacienda was the organic institutional expression of the *raison d'être* of the Spanish colonial world.

Needless to say, this institution in the colonies was modeled upon and contributory to real hacienda of the Peninsula.[71] At the beginning colonial finance was in the hands of the Council of the Indies. In 1542 that body was ordered to spend one day's session of each week in planning the prosperity of real hacienda. When viceroys and governors were sent out the Council charged upon them strictly the conservation and development of all crown resources. The colonial *junta superior de hacienda* was established in Peru in 1548–49, and was carried to New Spain in 1554. This body began to establish a system of administration, and, in weekly meetings, it organized and promoted financial matters. The junta was composed of the viceroy, the senior *oidor* of the audiencia, the fiscals, and the *oficiales reales*, or treasury officers. By article IV of the ordinance of the intendants, the junta was composed of the *regente* of the audiencia, the fiscal of real hacienda—with a vote in all affairs in which he was not an advocate—

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[71] A good sketch of the royal revenues of Spain is contained in Colmeiro, *Historia de la Economía Política en España*, II, 539–595. Less satisfactory is the briefer article in Antequera, *Historia de la Legislación Española*, 354–56. A good historical view of Spanish public finance is contained in P. R. Campomanes, *Cartas Político Económicas* (A. R. Villa, ed., Madrid, 1878). See also, for the reign of Charles III, Floridablanca's Apology, in Coxe, *Memoirs*, V, Appendix I.

the senior member of the *tribunal de cuentas*, and the ranking *contador* or the treasurer of military finances (*ejército y real hacienda*). The clerk was the scrivener of the superintendency of real hacienda.[72]

In 1559 an attempt was made to consolidate the treasury systems of Mexico and Peru with that of Spain, by putting them under the control of the Consejo de Hacienda, but the experiment was discontinued in 1562, it having been found impracticable to divide colonial administration as was done when papers referring to the administration were sent to the Council of the Indies and papers referring to finance to the Consejo de Hacienda. Colonial hacienda was therefore resumed by the Council of the Indies, with occasional advice from the Consejo de Hacienda.

In 1568 a *junta general* promulgated the first ordinances for governing all branches of real hacienda in the Indies. In 1563 the power to make extraordinary expenditures such as would be caused by approach of enemies, or other emergencies, was taken from the colonial *junta de hacienda*, and confided to the *real acuerdo* of the audiencia. In 1605 three *tribunales de cuentas* were organized in America, one in Peru, one in Granada, and one in Mexico. In 1627 the viceroys were authorized to expend funds for emergencies without concurrence of the audiencia. Formal expenditures for colonial affairs were required to have royal approval as a prerequisite. The viceroy was expected to make annual remission to the Peninsula of large sums. In 1747 his power in the management of finance was increased when he was made superintendent of real hacienda. Moneys were then drawn from the royal coffers (*cajas reales*) upon his requisition, with or without the signatures of the *oidores*. The promotion of the affairs of real hacienda, and its defense in litigation, was made the duty of the *fiscal de hacienda*.

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[72] Revillagigedo, arts. 817–825.

So much for central organization and disbursement. As regards collection, care, and administration of distinct revenues —local organization—this was in charge of treasury officials (*oficiales reales*), who had been placed in the viceroyalty from the first, in imitation of the practice in Aragon and Castile. The earliest *oficiales reales* were the *contador* (or *factor*) and the *veedor*. In time there came to be three, namely, a treasurer, who received and disbursed moneys; the *factor* and *veedor*, whose duty it was to be present at and attend to financial transactions affecting the treasury, under advice from the governor of the district and the other *oficiales;* and third, an accountant (*contador*), who kept the books and drew orders on the treasurer for salaries and other expenditures. Hernán Cortés had no sooner begun his conquests on the mainland of Mexico than he established the beginnings of real hacienda. In the Villa Rica de Vera Cruz he elected as factor Bernardino Vázquez de Tapia; Alonzo Dávila was made *contador,* and Gonzalo de Mejía treasurer. To these officers Cortés paid over the revenues derived from the fifths (*quintos*), and, later, over 100,000 pesos in tributes to the emperor from the conquered Aztecs, in gold, silver, and precious stones. These two revenues, the fifths and the tribute, were the first two branches of the royal patrimony in New Spain.

In 1522 the emperor named as treasurer of Mexico Alonzo de Estrada, as factor Gonzalo de Salazar, as *contador* Rodrigo de Albornoz, as *veedor* Peralmindes Chirinos, and as assessor the *licenciado* Alonzo Suazo. These officers undertook the royal administration in 1524. In 1530 royal orders prescribed that one of the above *oficiales reales* should reside in Vera Cruz for the purpose of collecting crown revenues there. By royal cédula of May 20, 1533, permission was granted to place lieutenants of the Mexico *oficiales reales* at Vera Cruz. In 1572 this arrangement was superseded by the nomination of two *oficiales reales,* a *con-*

tador and a treasurer, for the Gulf port. The *oficiales* of Mexico were also held responsible for collection of duties at Acapulco, where there was already a paymaster (*pagador*) in 1562. In 1597 a *contador* and a treasurer for Acapulco were appointed, and the *oficiales* of Mexico ceased to have control of the Pacific port in that year.[73]

At first the *oficiales reales* did not have jurisdiction over suits relating to collections; in such disputes they were obliged to resort to the ordinary justices for judgment against debtors. When their districts were large the *oficiales* placed their lieutenants, under bonds, in the towns as these were established. In centers of collection *cajas reales* were established, with two, three, or four keys, one for each official, in accordance with the number of the latter, which, as has been seen, was not uniform. The *caja* (coffer) was situated in the domicile of one of the *oficiales*, that edifice being consequently styled the *casa real*.[74]

From time to time the officers of the treasury were instructed by the king, the Council of the Indies, or the viceroys and governors concerning their duties, their oaths of office, their bonds, and their accounts. In the early years annual inspections of the *cajas* were made by the entire audiencia, or by the governors or *corregidores*. The *oficiales reales* bought and sold goods at auction or otherwise for the king's account for gain; they leased revenues to the highest bidders, or collected them direct, as the case and need might be. Having this authority, they soon became stiff-necked, affecting honors and pre-eminences; when they were remiss in collecting revenues they blamed the ordinary justices for the delays which occurred in litigation; in order to remedy the defect they were themselves given jurisdiction in first instance over disputes concerning revenues, with appeal to the audiencias.

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[73] Joaquín Maniau y Torquemada, *Compendio de la Historia de la Real Hacienda de Nueva España, Escrito en el Año de 1794*, printed in Rodríguez de San Miguel, *Pandectas Hispano-Megicanas*, II, 158–190. Cited on the following pages as Maniau, *Compendio.*

[74] Bancroft, *History of Central America*, I, 267, note.

Prior to 1605 a minister of the audiencia, with a *contador* under him, kept the general accounts of real hacienda. In that year the *tribunal de cuentas* assumed the duty of keeping all accounts save those of the *alcabala*, the tributes, and quicksilver.[75] The *alcabala* was collected by the City of Mexico, and the two other revenues were cared for by their own central offices (*contadurías*). In 1610 the three *contadurías* were united into one, but in 1651 the *alcabala* was again put under its own *contaduría*.

Duties and taxes were collected not only at seaports but in every village and town. All forms of industry and amusement were levied upon for funds. A small army of officials was required for the task. In 1754, one year after the administration of the *alcabala* of Mexico was taken from the *consulado* by Revillagigedo, the employees in that revenue alone numbered eighty-eight, and their salaries totaled 54,050 pesos. By 1789 the number of *alcabala* employees had increased to 125, including fifty-five guards; the salaries totaled 74,495 pesos.

By the last quarter of the eighteenth century custom-houses with salaried officers existed at Mexico, Vera Cruz, Acapulco, Puebla, Oaxaca, Tlascala, Querétaro, Tepeaca, Tabasco, Toluca, Celaya, Guanajuato, Villa de León, Cuernavaca, Zacatecas, Guadalajara, Villa de Córdoba, Orizaba, Valladolid, San Miguel el Grande, Tampico, San Luis Potosí, Durango, Zamora, Jalapa, Chihuahua, Bolaños, Tehuantepec, Zacatlán, Apam, Tlalpujuhua, Pachuca, and Fresnillo. Nearly all of these custom-houses had from one to eight branches in nearby villages, where duties were collected by officers who received ten or twelve per cent commission on taxes collected. Fifty-nine lesser communities were served by officers who received fourteen per cent on collections.[76] Funds collected were deposited in the *cajas reales*, of which the

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[75] See p. 77.

[76] Cf. Revillagigedo, art. 1068.

caja matriz, or principal one, was of course at Mexico. The *caja* at Vera Cruz was of great importance also, as into that port came large sums received from commerce, as well as the considerable remittances for the poorer colonies and Spain. The greatest need for *cajas reales* was at commercial and mining centers. In addition to those at Mexico, Vera Cruz, and Acapulco, there existed during the Spanish régime *cajas* at Bolaños, Parral, Zacatecas (1570), Durango (1575), Guadalajara (1578), San Luis Potosí (1628), Pachuca (1667), Guanajuato (1675), Sombrerete (1681), Carmen (1716), Zimapán (1721), Chihuahua (1768), Álamos (1769), Perote (1770), and Arispe (1780). From these centers funds were transported to Mexico by mule trains every three, four, or six months, under military escort.

After the initiation of the ordinance of the intendants, certain of the *cajas,* those situated at the chief cities of intendancies, namely, at Mexico, Vera Cruz, Puebla, Oaxaca, Valladolid, Guanajuato, Potosí, Zacatecas, Durango, Guadalajara, and Sonora, were known as *cajas principales* or *de provincia;* the others were known, as the less important and remote ones had long been known, as *cajas foráneas.* In all of them the *oficiales* were the chief administrators of real hacienda, for, although there were at various times established separate administrators for certain revenues, all of these were entered in the *cajas reales,* with the exception of the revenues from tobacco and playing-cards. The immediate superiors of the *oficiales* were the intendants. The latter were subject to the viceroy, who as superintendent-general subdelegate of New Spain recognized as his chief the minister of hacienda, who was the financial head of the entire empire.[77]

The systems of accounting employed in the treasury were established by numerous laws of the *Recopilación,* by the *Instrucción provisional* of Gálvez in 1767 and by numerous other regulations, the result being that a different system was in vogue in each of the *cajas*. In 1785 the *contaduría general de Indias* attempted to harmonize and unify these systems by introducing double-entry bookkeeping, but the confusion resulting from the attempt prompted the King in October, 1787, to order the old methods restored. In 1790 a second attempt to introduce double-entry was begun, but had not been finally decided upon in 1793.[78]

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[77] See above, p. 76.

Such, in brief, was the system of public finance of New Spain. It is impossible to show in a few pages what a cumbersome, intricate thing real hacienda came to be. In the final chapter of this work the character and purpose of the several revenues and significant phases of their history will be discussed. The reforms which Gálvez introduced in the revenues, and the later work of the younger Revillagigedo, will show how effective were the measures of Charles III in making the system of public finance of New Spain equal to its opportunity.[79]

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[78] Maniau, *Compendio,* 160; Revillagigedo, arts. 765–771.

[79] In the foregoing account of real hacienda use has been made of Fabián Fonseca and Carlos de Urrutia's *Historia General de Real Hacienda, Escrita por Orden del Virey Conde de Revillagigedo* (6 v., Mexico, 1845). The *Historia* was written in 1791–2, in obedience to the command of the ordinance of the intendants, articles 109–115. It was first published in 1841 by order of the Mexican Republic. Revillagigedo, *Instrucción Reservada,* arts. 917–927, recounts the circumstances of its composition. See Beristain, *Biblioteca Hispano Americana Setentrional,* at the word Fonseca (Don Fabián). Don Carlos Urrutia was a *mariscal de campo,* captain-general of Santo Domingo, and, at this time, president-elect of Guatemala. Fonseca and Urrutia were given as assistants for writing this history José Ignacio Sierra and Joaquín Maniau y Torquemada. Maniau was chief officer of the tobacco *contaduría* and *contador of the montepío de oficinas,* a sort of civil-service pension fund. He extracted in 1794 the essential features of the *Historia General,* which was composed of thirty manuscript volumes. His extract, the *Compendio de la Historia de la Real Hacienda de Nueva España,* cited above (see p. 79), was, besides being published in the form already noted, issued also from a manuscript in the possession of the Sociedad de Geografía y Estadística, by Alberto M. Carreño, in a form which the present writer has not seen (Carreño, *Jefes del Ejército Mexicano en el Año de 1847,* Mexico, 1914, *prólogo,* p. v). For an extended notice of the work of Fonseca and Urrutia see Bancroft, *History of Mexico,* III, 678–79. John Pinkerton, *Modern Geography,* III, 167–174, contains a brief account of the revenues of New Spain, taken from *El Viagero Universal,* vols. 26, 27, Madrid, 1799. See also Alamán, *Historia de Méjico,* I, 85–99.

CHAPTER III

ORIGIN AND CHARACTER OF THE GENERAL VISITATION

The general visitation, as employed by the Spaniards, presents a phase of governmental administration which is unfamiliar to students of Anglo-Saxon institutions. It is essential, if a proper understanding of the work of José de Gálvez in New Spain is to be reached, to show by an historical treatment what the visitation was. The present chapter attempts to trace this institution from its earliest ascertainable origin, and to give some account of the various kinds of visitors and visitations known to Spanish law. Following this development, some of the best known visitations of New Spain are studied, not for the purpose of giving an account of what was actually accomplished by them, but to show what it was intended that they should accomplish and what the functions of the visitors were. Hence more attention is paid to the instructions issued to the visitors than to the account of their missions. A resumé is made of the laws of the Indies governing general visitations; the instructions given to Gálvez are reviewed in brief, and a discussion which took place between Gálvez and Velarde, fiscal of the audiencia of Mexico, concerning the powers of visitors, is presented to show what legally trained men of the eighteenth century considered to be the essential character of the general visitation.[1]

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[1] The principal authorities consulted for this study are, first, A. X. Pérez y López, *Teatro de Legislación Universal de España é Indias por Orden Cronológico de sus Cuerpos y Decisiones no Recopiladas*; second, the *Cedulario* by Vasco de Puga, of which the title is *Provisiones, Cédulas, Instrucciones de Su Magestad . . . para la Administración y Governación de esta Nueva España . . . desde el Año 1525 hasta . . . 1563* (Mexico, 1563), reprint, 2 v., Mexico, 1878; third, the *Leyes de Recopilación* (Madrid, 1772), often called the *Nueva Recopilación*, the predecessor of the *Novísima Recopilación*; fourth, the *Recopilación de las Leyes de los Reinos de las Indias* (5 ed., Madrid, 1841); fifth, Juan Solórzano y Pereya, *Política Indiana*; sixth, Bancroft, *History of Mexico*. The manuscript material includes the instruc-

1. *Origins and analogies.*—The visitation assumed a number of forms, but was intended in all cases to be the special means of enforcing existing regulations, whether of commerce, real hacienda, ecclesiastical affairs, or matters of justice. It was the means by which the monarchs attempted to turn an all-seeing eye, through the use of a direct personal representative, upon all affairs which affected the welfare of the state. A visitation of any phase of administration might be either general or particular, the former having to do with broad measures of investigation and reform, over wide areas and interests, the latter concerning itself with specific problems in definite localities. The visitation was always intended to be the means of discovering how the machinery of government was working, how to provide for the punishment of delinquent officials, and reform of evil practices. It was a check upon the operation of administrative law. It is to be distinguished from the *pesquisa*, which was an investigation of the violation of law by persons not necessarily officials, an inquiry into the violation of criminal law. It was, in fact, similar to the *residencia*, which was a method of holding officers who had served a definite term responsible for their official acts. The visitation was usually directed against acts of permanent officials. In the histories the terms *visitador, pesquisidor,* and *juez de residencia* are often used interchangeably. An effort will be made to distinguish between them as the narrative proceeds.

The principle of the visitation had its beginning in a remote period. Central authority, as far back as ancient Egypt and Persia, had its "royal secretary," or its "eye of the king," for the local enforcement of justice and the collection of taxes in semi-autonomous districts. The *pacis assertores* of the Visigothic

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tions of several visitors-general, taken from the *Acuerdo y papeles tocantes á la visita de Nueva España* (1605), 136-6-12, and the *Respuesta fiscal sobre las facultades del visitador Joseph de Gálves* (1765, 88-5-21), by José Antonio Velarde, fiscal of the audiencia of Mexico under Cruillas.

kings in Spain, and their bishops, and in later days, the *missi dominici* of Charlemagne, or the "deputies on commission" of the French Revolution, exhibit some of the characteristics of the Spanish visitors.[2] The Christian church, as might be expected from its type of organization, very early developed throughout Europe the system of episcopal visitation which in Spain became the prototype of the civil visitation. By the time of the Council of Laodicea (between A.D. 343 and 381) the visitation was an established practice in the Greek Church. The *periodeutes,* in the name of the bishops, annually visited the churches as inspectors. In the Roman Church it became the practice, during the Middle Ages, for the bishops to delegate the visitation to presbyters, diakons, and *decanos.* Owing to constant neglect on the part of the bishops, the powers of these lesser officers tended to become fixed and established by custom; but the reforms of the Council of Trent (1545–1563) obliged the bishops, primates, and metropolitans to perform their visitations in person, unless in case of necessity they might delegate vicars-general for the duty. Provisions for episcopal visitations were made by church councils of the time of Pope Paul III and, still later, of that of Pius IV. The powers and privileges of ecclesiastical visitors are set forth in the reformatory provisions of the Council of Trent.[3]

The purpose of the episcopal visitation was mild compared to that which developed as the purpose of the civil visitation. It was the duty of the bishop to confirm orthodox teachings, expel heresy, and, in general, to concern himself with affairs of such nature as did not require minute examination. His visitation was not ordered according to judicial formulas; but he was, by brief examination of abuses, to "make correction rather than to impose ordinary punishments." Appeal from his judgments did not, however, stay execution thereof.[4]

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[2] The early French *intendant de justice* possessed characteristics remarkably similar to those of the Spanish *visitador-general* (see G. Hanotaux, *Origines de l'Institution des Intendants des Provinces d'après les Documents Inédits,* Paris, 1884).

[3] *Concilio Tridentino,* cap. 8, ses. 7, 21; cap. 3, dec. 2, ses. 24, et cap. 9, reproduced in Pérez y López, *Teatro,* XXVIII, 584–8.

In the civil administration of justice the visitor appears in the Spanish system under various designations. Alonzo XI in 1345 replied to the petition of the Cortes of Alcalá as follows:

> As to the petition that the *alcaldes veedores* whom we now command to be placed in the cities, towns, and villages of our kingdoms for the purpose of inspecting acts of justice and criminal suits are so sent in violation of rights (*fueros*) and privileges . . . we reply . . . that it is done on account of the great disorder which had existed until now, and this has moved us to send these alcaldes.

In the Cortes of Burgos of the same year the municipal advocates (*procuradores*) complained of injuries caused by emendators (*emendadores*) who were sent to the towns to investigate the administration of justice. Local justice, it should be stated, was in the hands of *adelantados* (governors), *merinos* (judges of the sheep-walks), and alcaldes (municipal judges), who were usually either hereditary or locally elective office-holders, hence not closely under the supervision of the king except through special delegates such as the *alcaldes veedores* or the *emendadores* mentioned above. In Petition VIII of the Cortes of León of 1349 is recorded the desire of the *procuradores* that judges paid by the king (*jueces de salario*) should not be sent out unless the municipal councils requested them. In Petition III of the Cortes of Burgos of 1373 Enrique II proposed that upon request of local councils itinerant judges (*jueces de fuera*) should be sent out. Juan I in 1388 deputed "men," without other official designation, to go through the cities to find out how the *adelantados, merinos,* alcaldes, and other judges fulfilled their duties. These men were to punish all delinquent officials, and other criminals as well. At the end of the year they were to return to the king to render an account of their work.[5] These officers were styled *veedores* or *visitadores.*

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[4] D. Cavallario, *Instituciones del Derecho Canónico,* Nueva traducción por José Antonio de Ojea (3 v., Madrid, 1843), I, 122–4.

In Petition XI of the Cortes of Zamora, 1432, in the reign of Juan II, it is said of the *corregidores* (Latin, *corrector*), the title by which the royal justices were then called, that "if the town was in bad state when they came, worse was it when they went." The Cortes of Madrigal, 1476, renewed its petition that *corregidores* should not be sent out unless asked for, nor should they hold office for more than one year, for they were prone to make alliances in the towns to which they were sent. The Catholic Monarchs replied to this request that "enough was already provided by the laws of these kingdoms." In 1480 the joint rulers sent out *pesquisidores* to watch the *corregidores;* the office of *veedor* was established, the holder being commissioned to watch the administration of justice, see that towers and fortresses were built, that the peace was kept in the towns, and that the municipal revenues were collected.[6]

The visitor, then, as an habitual agent of the crown, was a product of and an actor in the long process by which the power of the monarch was established, throughout a gradually widening kingdom, over the local authorities. At a very early stage the *adelantados* were sent out to counteract the influence of the haughty nobility, the counts and the dukes. The *merinos,* going out as crown appointees, became in time, with the *adelantados,* fixed to the locality; hence their sympathies were with the people as opposed to the crown. With the growth in importance of the third estate (*estado llano*), the crown was obliged to extend its powers. This was done by sending out officers from the court upon special missions of justice. Such officers were known first as *jueces de salario* or *de fuera,* then as *veedores* or *visitadores,* and later as *corregidores*. But the *corregidores* became in turn permanent officers, fixed to the district or province, and were henceforth to be regulated by the *pesquisidores* and *veedores*. The *corregidores* were themselves required to make regular rounds of their districts on administrative and judicial errands.

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[5] *Leyes de Recopilación,* lib. 3, tít. 8, ley 1; Pérez y López, XXVIII, 429; Danvila y Collado, *El Poder Civil en España* (Madrid, 1885-86), I, 470.

[6] *Leyes de Recopilación,* lib. 3, tít. 8, ley 2; Danvila y Collado, I, 424, 472-3; Pérez y López, XXVIII, 430.

Such a reconstruction of the process of development is of course generalized. There were, in fact, *pesquisidores* in the twelfth century,[7] though the investigating representatives of the kings were not habitually sent out until the time of Ferdinand and Isabella. The visitors were usually resisted by the local governments and courts, and it was not without protest, as has been seen, that centralization was effected through their work. The visitor and the *juez pesquisidor* were officers with very similar functions, but there was a distinction. A *pesquisidor* was a judge commissioned for the investigation of *crime*. His errand (*pesquisa*) was either general or particular. If the former, the inquiry was concerned with all crimes that were known to have been committed. The particular *pesquisa* was directed against a particular crime or criminal. The general *pesquisa*, executed under royal commission only, was conducted without the knowledge of the persons under investigation. The particular *pesquisa* took the form of a judicial trial, in which the accused answered the charges brought, with privilege of transfer of the proceedings, which were in all cases brief and summary.[8] It was not the practice to send out *pesquisidores* except when ordinary justices were remiss or negligent in punishing crime, or when it was suspected that, owing to the strength or influence of the delinquents, or to the gravity of the crimes, the local judiciary would not have the independence or sagacity necessary for making the investigation and punishing the offenders.[9]

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[7] Altamira, *Historia de España*, II, 42, 44, 52.

[8] Pérez y López, XXIII, 2. Francisco de Bobadilla, sent to Española in 1500 to enquire into the troubles of the colonists under Columbus, was commissioned a *pesquisidor*, and his errand was a true *pesquisa*, since he was to act in cases in which specific charges had been preferred; he was in addition commissioned to act as governor, a function often bestowed upon visitors. The *visita* and the *pesquisa* here approach identity very closely. See Herrera, *Historia General de los Hechos de los Castellanos en las Islas i Tierra Firme* (Madrid, 1601–15), dec. 1, lib. 4, caps. 8, 9, 10.

The visitor, on the other hand, was an investigator of the conditions under which the laws were enforced; he was an inspector of administrative and judicial officers, and not of individuals as individuals. He was more concerned with the enforcement of administrative than of criminal law. The indiscriminate interchange of the terms *visitador* and *pesquisidor* by writers is no doubt due to the similarity of the modes of procedure employed by both, or to the accident that one and the same man may have held commissions which empowered him to act in both capacities. The secret investigation by a visitor of a suspected official, before trial, was known as a *pesquisa*.

2. *The general visitation established.*—It was stated above that Ferdinand and Isabella began the regular visitation of the courts of justice. Once begun, the practice was continued by their successors. Under the regency of Ferdinand, numerous ordinances governing visitations were promulgated by royal decree (not by the cortes).[10] During the closing years of the fifteenth century, and particularly during the early ones of the sixteenth, the *capítulos de visita* (regulations developing during visitation) resulted in a large amount of legislation governing the audiencias and other courts. Thus the visitation was in another way a potent agent of the centralizing process which characterized Spanish administration.[11] In 1515 a general visitation of the courts was performed by Juan Tavera. Charles I (V) ordered that this duty should be performed by prelates, men of

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[9] J. Escriche, *Diccionario Razonado de Legislación y Jurisprudencia* (Madrid, 1847), at the word *pesquisidores; Novísima Recopilación*, lib. 12, tit. xxxiv, *de las pesquisas y sumarias*, reproduced in Rodríguez de San Miguel, Nos. 4605–4615.

[10] Danvila y Collado, I, 635.

[11] For the legislation which resulted from the visitation consult Danvila y Collado, V, 717–18; VI, 140.

wisdom and virtue. Use of churchmen for the visitation—a frequent practice—indicates that the system which had been evolved by the church in the episcopal visitation commended itself to the Emperor as an efficient method, in which churchmen would naturally be most adept. The first royal ordinance by which Charles inaugurated this important phase of government was that issued at Zaragoza May 20, 1518, by which all inferior provincial courts were inspected. The ordinance of Molina del Rey, November 13, 1519, made the same provision. In 1525 a visitation was made of the audiencia of Valladolid. In 1534 and 1536 there were published at Madrid ordinances which were the result of the visitation of the audiencias by the bishop of Mondonedo. In 1542, as a result of the visitation of the audiencia of Valladolid made by Juan de Córdoba, and of that of Granada by the bishop of Oviedo, were framed new ordinances for the audiencias. In 1554 ordinances for the king's council, and for the audiencia of Valladolid, were published as a result of the visitation of the audiencia in the same year by Diego de Córdoba. The visitation had now attained a very important place in the administrative system.[12]

3. *Other forms of visitation.*—The principle of the visitation had as well certain local, specific, and permanent applications. Visitation of jails was a weekly duty of certain judges, and visitation of ships engaged in commerce was a regular part of the process of their lading and clearance.

Ferdinand and Isabella in 1480 ordered visitations of prisons every Saturday by two members of the municipal councils and the alcaldes. They were sent "to execute justice briefly," and render reports to the council if required. In 1489 the same rulers provided, upon the occasion of a visitation performed by Francisco Mendoza, that two *oidores* should perform this weekly visitation in the prisons of the audiencias and of the towns. The jail officials were to be present to answer any complaint which might be made against them. Charles and Juana in 1518 ordered that the alcaldes should, at the time of the weekly visitation, render an account to the council of the prisoners received during the week, their crimes and sentences. In 1536, as a result of general visitations by Juan Tavera and Pedro Pacheco, the president and *oidores* of the council were required to be present at visitations. They were forbidden to ask in any way for the release of prisoners, but were expected to observe how all were treated, with especial care for those who were poor. A number of similar laws were added to the *Recopilación* during the sixteenth and seventeenth centuries. They make clear that the purpose of the weekly visitation of prisons was a formal inspection, intended to correct miscarriage of justice and to enforce proper treatment of the prison inmates.

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[12] Danvila y Collado, II, 205.

After the middle of the sixteenth century, and before the end of the seventeenth, a score of the laws of the Indies provided for the visitation of prisons in America. Where there were audiencias visitations were to be made by two *oidores,* the fiscal, the *alcaldes ordinarios, alguaciles,* and *escribanos.* If there were *alcaldes del crimen,* they were to attend as well. On the three great church feasts of the year—Christmas, Easter, and Pentecost—the entire audiencia was required to perform the visitation of its prisons. Similar of course to those of old Spain, the visitations of jails of the Indies seem to have been more definitely directed to the review of the legal processes of prisoners than to the matter of humane treatment. Special regulations were, however, given for the treatment of Indians imprisoned for debt or drunkenness, provision being made for them to work out their debts by services to their creditors alone, and to no one else, that they might not be reduced to slavery.[13]

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[13] *Leyes de Recopilación*, lib, 2, tít. 9; *Recopilación de Indias*, lib. 7, tít. 7, 17 *leyes* and 3 *leyes dispersas*, reproduced in Pérez y López, XXVIII, 558–568. In Mexico City, says Villaroel, this visitation had become a mere for-

Visitation of the district of the audiencia was supposed to be performed by the *oidores* in turn, commissioned by the viceroy, in the interest of the Indians and the affairs of the crown, especially of revenues. Such visitations often went by default.[14]

Visitation of the treasury was to be performed at the beginning of every year by the entire audiencia where there was one. In the subtreasuries such visitations were performed by the *oidores,* or by the governors or *corregidores.* Sometimes even viceroys were commissioned to perform visitations. *Oidores* were often sent out of their own district into other jurisdictions as visitors, *jueces de residencia,* or *pesquisidores.*

Visitation of vessels engaged in the colonial trade from Seville and Cadiz, and of ships of war, was performed by inspectors called *visitadores,* officers who were lower in rank than the *jueces oficiales* of the Casa de Contratación, but who were entitled to sit with those magistrates when called into the tribunal for consultation. These visitors were not magistrates, but experts in the repair and lading of vessels. They had begun to exercise their duties in the Casa de Contratación before 1518, and continued until suppressed by the orders of 1765 and 1778, the first of which conceded "free" commerce to the Windward Islands, and the second of which opened the American trade with few exceptions. After 1778 the inspection of ships was intrusted to the consular agent, called the *juez de arribadas.*[15]

Enough has been said to show that in the Spanish system the visitation was very early an institution upon which great de-

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mality, in which the *oidores* left the release of prisoners entirely to the discretion of the *escribanos,* whose unfairness to criminals was notorious (*Enfermedades Políticas,* 49).

[14] Bancroft, *History of Central America,* II, 471.

[15] On the visitation of vessels consult *Recopilación de Indias,* lib. 9, tít. 35, 74 *leyes;* Pérez y López, XXVIII (*Leyes Dispersas*), p. 582–83; Antuñez y Acevedo, *Memorias Históricas,* art. III, 59–82; Veitia Linage, *Norte de la Contratación,* lib. 1, cap. 24; Moses, *The Establishment of Spanish Rule,* 34–55. In the colonial ports visitation of vessels was performed by the governors and treasury officials, and sometimes by the fiscals.

pendence was placed for the proper execution of the laws and faithful administration. For the accomplishment of these purposes it found its way to America among the first of Spanish institutions. Hernán Cortés sent out the first visitor-general to correct the injustice which had been done by the officers whom he had left in charge at Tenochtitlán when he made his expedition to Honduras in 1524. These men had seized the government, believing or hoping that Cortés was dead; they had also appropriated estates owned by members of the conqueror's southern expedition, and were persecuting Spaniards and natives alike for resisting them.[16]

4. *The first visitor-general of New Spain.*—The instructions given to Alonzo de Grado, the visitor chosen by Cortés, are of interest as showing what was expected of such an official at that early date. That he might have a genuine interest in his work, Grado was granted as his wife the widow of Qauahtemotzin, a daughter of Moctezuma, who was by inheritance possessor of several large *encomiendas.*[17]

The *Libro de Cabildo* of Tenochtitlán, under date of June 28, 1526, contains Grado's instructions:

> Confident that you, Alonzo de Grado, a resident of this city of Tenuxtitan, are a person who will well, faithfully, and diligently perform and fulfill that which I may commit and confide to you in the name of their Majesties, I name and make you my judge and visitor-general of all this New Spain, in order that, as such judge-visitor, you may in your own right bear the staff and insignia of justice, and go to all the cities, villas, towns, farms, and mines, and to all towns and villages of the natives; that you may in all forms, ways, and manners possible inquire, learn, and make public and secret investigations concerning how and in what form and manner the natives have been dealt with and handled in the affairs of our holy faith; and how the ordinances and proclamations prescribing their good treatment have been observed and fulfilled. Against such person or persons as you may find guilty of violating the said ordinances, laws, and proclamations of this kingdom, which provide for the good treatment of the natives, you will proceed, by virtue of the instruction

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[16] Bancroft, *History of Central America*, I, 572-3.

[17] Bancroft, *History of Mexico*, II, 241-2.

signed by my hand, which you have; you will bring civil and criminal action against them in the proper form and manner in accordance with what is ordered and commanded; you will take upon yourself all processes and causes, whether civil or criminal, which are brought before any judges, justices, lieutenants, or *alcaldes mayores*, even though such suits may have passed to sentence, in order that you may ascertain how justice has been conserved to the natives. In all cases you will remove their causes of complaint, executing justice according to the nature of the case; and if any justices, *alcaldes mayores*, lieutenants, or other magistrates whatsoever, who may have been, are now, or in future shall be in office, have in any way or manner aggrieved or mistreated the vassals and natives, you may proceed against them, their persons and estates, in conformity with law.

Moreover, inasmuch as I am informed that many have been made slaves without authority or cause, resulting in great injury to God and their Majesties, and to the country and its inhabitants; and, what is worse, many of these slaves have been taken out of the country, contrary to what is commanded and ordered: I give you authority in my name to punish these offenses and right the wrongs of the natives. Those who have unlawfully been made slaves shall be set free, and you will cause them to appear before me, that I may order what is most to the service of their Majesties. Against those persons who have taken slaves out of the country, notwithstanding they may allege and even show that they had license therefor from Gonzalo de Salazar and Peralmindes Chirinos, former factor and *veedor* respectively, or from any other magistrates, you shall bring action, punishing them in conformity with proclamations which I in the name of their Majesties have made against exportation of slaves.

Moreover, I give you my full power, in case any person or persons of whatsoever condition or quality shall make demonstration against you, or say what they ought not, during your exercise of your office of visitor-general, that you may seize them and send them, with the testimony of their offense, to me wherever I may be, so that I may do justice in the premises. And it is ordered that all councils, justices, regidores, gentlemen (*caballeros escuderos*), men of good report, and all others whatsoever, in all cities, villas, and towns of this New Spain, shall receive you as my visitor-general, obey you, and come at your command and citation under the penalties which you in my name and that of their Majesties may impose; and any who may refuse I hereby condemn; all persons shall, without fail, render you all the favor and aid you may require of them, under pain of the loss of their estates to the royal chamber and treasury. . . . And I command that this my provision shall be presented and obeyed in the *cabildo* of this city of Tenuxtitan, where from you, Alonzo de

Grado, my judge and visitor-general, oath shall be taken as is required in such case; and after you have taken the oath and received the office, you shall not be required to repeat the ceremony in any other city, villa, or town of this New Spain.

I therefore bestow upon you in the name of their Majesties the said office, and confer upon you all my power, as I have it from them . . . and I command that your salary and fees shall be paid, and that you shall have all the liberties and privileges due you as visitor, and that you may take with you clerks and bailiffs for your court, whom I name . . . and that you and they shall receive the same fees as other magistrates, according to the schedule established . . . and I command that all officials shall perform their duties toward you, under penalty of loss of position and of all their goods. Done in the city of Tenuxtitan, June 27, 1526. Hernán Cortés; by order of my lord the governor, Alonzo Baliente.

When the visitor-general had taken the oath, the record concludes, "he took a staff of justice, and went out of the *cabildo*."

The visitation of Alonzo de Grado must have come to little, for in November of 1525 the *licenciado* Luis Ponce de León was commissioned by the Emperor to go to New Spain as *juez de residencia*, his duties being[18] to investigate the conduct of Cortés and the other officers of the crown. A number of the cédulas given to Ponce have been preserved. He was ordered on November 4 to protect the Indians, promote their conversion, and favor the conquerors in appointments to office. He was to collect information concerning and make a report upon the size of New Spain, the location of its towns, and the character of the inhabitants. He was to stop excessive gambling, making ordinances to control that pastime. On April 28, 1526, he was instructed to assist the Indians who had helped the Spaniards in the conquest. Ponce was expected to replace Cortés, and his orders issued near the close of 1526 are directed to "*mi juez de residencia y gobernador,*" but Ponce lived to proclaim only two of the orders which he had brought. Death so sudden that Cortés was accused of causing it overtook the royal emissary, and Alonzo de Estrada succeeded to the governorship, and Marcos de Aguilar to the office of *justicia mayor.* Before he could take the *residencia,* he, too, was called by death, and not long thereafter Cortés and his principal officers returned to Spain. Their *residencias* were taken by the first audiencia, over which presided the implacable enemy of Cortés, Nuño de Guzmán. This audiencia was also charged to complete the general investigations which had been intrusted to Ponce. For its guidance it was given a set of ordinances, which served as the basis for future legislation for the colonies, gradually developing into the code known as the *Recopilación de Indias.*[19]

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[18] Puga, *Cedulario*, I, 63; Bancroft, *History of Mexico*, II, 238–53. Luis González Obregón, *Los Precursores de la Independencia Mexicana en el Siglo XVI* (Paris and Mexico, 1906), 89–107.

The interest of the present study in the vicissitudes of Cortés in New Spain centers in the fact that his powers as captain-general, or rather as governor, were brought to an end by the *residencia,* and that this process came, not at the end of a specified term, but at the will of the monarch. The chief distinction between this *residencia* and a visitation lay in the lack of secrecy with which the process was conducted. It is sufficiently indicated that the visitation and the *residencia* followed swiftly upon the heels of the establishment of Spanish power on the new continent. They continued thereafter to be the means, along with the audiencias, by which the rulers of Spain checked the conduct of colonial officers of justice, administration, and finance.

As the *residencia* was held at the close of an official term, it took place only in the case of those offices which were held for a definite term, or upon the promotion or death of those who held life tenures. The visitation, on the other hand, might come at any time during the incumbency of a term officer, or it might be a general visitation, directed against all term officers of certain classes of employment. It was most likely to be invoked as a corrective measure when there were sinister reports to the home government concerning the conduct of officials. It was ordered only by the Council of the Indies, in accord with the king,[20] and was considered to be a more serious and strict inquiry than the *residencia,* for the reason that the process was secret, without any citation to the person visited; nor was any copy of the testimony against him, nor even the names of witnesses, furnished to the officer under trial. Evidence was gathered in summary informations; the visitor did not render a decision upon the charges which he brought as a result of his investigation, but, after receiving a general defense from the accused officers, who merely knew in a general way what the accusations against them were, he sent the report of the case to the Council of the Indies, which passed sentence once for all, without right of appeal or other recourse by the officials visited. The latter might be, during the process, dispossessed of their employment by removal or suspension without pay during the interval, even in the case of purchased offices for which the incumbents had invested their entire substance. The reason for secrecy of the process was that an official, if he should come off free from the visitation, would be likely to wreak vengeance upon those who had had the temerity to testify against him, could he find out who they were. Such a precaution was unnecessary in the case of the *residencia*, for this process assumed that in any case the term under investigation was completed, and the official ready to be retired or promoted.[21]

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[19] For the legislation covering the Cortés episode and the establishment of the first audiencia see Puga, *Cedulario,* I, 12–154. For the *residencia* of Cortés see Sir Arthur Helps, *The Spanish Conquest in America* (London, 1900–04), III, 102–123, and González Obregón, 72–87. The documentary records of the process are published in *Sumaria de la residencia tomada á D. Fernando Cortés, Archivo Mexicano. Documentos para la Historia de Mexico,* I, Mexico, 1852; *Continuación,* II, Mexico, 1853. Further material appears in *Cartas de Hernán Cortés . . . ilustradas por el P. Mariano Cuevas,* Seville, 1915.

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[20] *Recopilación*, lib. 2, tít. 34, ley 1. Sir Arthur Helps, in an interesting chapter on the "Meaning of the word *residencia,*" has brought together from the early Spanish authorities many valuable facts concerning the origin and use of that process. Helps errs, however, in calling the *residencia* a process of impeachment. An impeachment implies greater assumption of guilt in our minds than did the *residencia* under Spanish law. The latter process was looked forward to by the colonial officeholder as the normal conclusion to his term, but under English or American public law impeachment is never contemplated by an officer entering upon the righteous discharge of his duties. Helps does not distinguish between the *residencia* and the visitation, as when, in quoting Herrera, *Historia General*, dec. 5, lib. 5, cap. 5, he attributes the statement of the latter, "Cuyo remedio el Rey Católico D. Fernando V. traxo de Aragon," to the *residencia,* when it is applied by Herrera unmistakably to the visitation. Further indistinctness arises from Helps' citations from Solórzano, which are applied indiscriminately to the *residencia* when the word *visita* is actually quoted in the citations (*The Spanish Conquest in America*, III. 148–158). See below, note 42.

Spanish jurisconsults were not united in their opinions of the visitation, some of them inclining to praise it as a most desirable means of preventing corruption, while others considered that it was a violation of the personal rights of a vassal to subject him to a legal process in which he was deprived of the power to defend himself.[22] Whatever the abstract justice of the institution, it was the purpose of the monarchs that it should upon needed occasion restore the machinery of government to its proper mode of operation, and purge courts of justice from all taint of abuse. This purpose is illustrated in the instructions given to Antonio de la Gama, the *juez de residencia* sent in 1528 to the island of Porto Rico and to Castilla del Oro, and in the instructions of Gil Gonzáles Dávila, the visitor sent to the audiencia of Santo Domingo, in 1533.[23]

The two chief groups of colonial officers who were subject to the visitation were those of the courts of justice and those of real hacienda; only very infrequently, if ever, were governors of provinces, alcaldes, or municipal officials subjected to it. The practice was to commission visitors to investigate both groups, though sometimes only one of them was investigated at a time. In addition to their powers as visitors, these officers frequently bore other commissions intended to enhance their authority or to economize in expense of sending out crown representatives, but these special duties often resulted in diffusion of energy and defeat of the main purpose of the visitation. How the plan worked in practice can be best demonstrated by presenting a brief account of the principal visitations of New Spain.[24]

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[21] Bancroft, *History of Central America*, I, 250–1, note 2, gives a summary review of the *residencia* from its inception in Santo Domingo, where it was invoked against Francisco de Bobadilla, to its suppression in 1799 as far as minor officers were concerned.

[22] Solórzano, II, 345.

[23] Herrera, *Historia General*, década 4, lib. 5, cap. 3; década 5, lib. 5, cap. 5.

5. *Historical view of visitations of New Spain.*—In 1543 Charles I and Juana sent the *licenciado* Francisco Tello de Sandoval, a member of the Council of the Indies, to New Spain to conduct a general visitation. This was the occasion, it will be remembered, when the sovereigns vainly attempted to ameliorate the condition of the Indians and improve the administration of the colony by inauguration of the famous "New Laws."[25] The *Provisión de visita* carried by Sandoval authorized him to investigate the conduct of the viceroy (Mendoza), of the audiencia, and of each of its members and subordinates. All magistrates, *contadores, factores, veedores,* and any other officers of real hacienda, were to be subjected to the same inquiry. Especial emphasis was placed on provisions for the protection and conversion of the Indians, and for the prompt despatch of business and justice, and for the collection of mining duties and tributes. If crown officers had been remiss in any of their duties, or if they had demanded excessive fees for their services, the visitor was to make formal charge against them. The accused were then to offer their defense, upon which the most definite

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[24] For a brief account of a visitation of administrative, treasury, and church affairs in Guatemala in 1535 see Bancroft, *History of Central America*, II, 131–2; García Icazbalceta, *Colección de Documentos para la Historia de México* (Mexico, 1858–66), II, xxviii–xxx.

[25] This legislation appears in Icazbalceta, *Colección de Documentos*, II, 204–227. An issue of 88 copies of Henry Stevens' and F. W. Lucas' translation, with an historical introduction, appeared at London in 1893. Of this issue No. 67 is in the library of the University of California.

findings possible were to be made by the visitor, and remitted, with all records of the process, to the Council of the Indies for final judgment. All officers whatsoever were to render the visitor such assistance as he might require, and heed his summons to appear when and where he might request, on pain of condemnation as rebels. The *Provisión* concludes with the grant of the entire royal power for the discharge of the duties intrusted.[26] In addition to the powers and duties recited here, Sandoval was authorized to sit with the audiencia, and to vote with its members in affairs both of government and justice.[27] Power of voting with the audiencia was not enjoyed by all succeeding visitors, though they usually had the privilege of sitting with that court, refraining from voting in affairs which were the concern of the *oidores.* In addition to his inspection of the audiencia and viceroy and the general administration of justice, Sandoval was to find out the number of churches which had been built and whether their number was adequate. He was to see whether the priests discharged their duties, and whatever he saw ought to be done, in ecclesiastical and temporal affairs alike, that he was to order and see executed. This power was granted without the obligation to act in accord with the viceroy, and was by so much a more important commission than those conceded to many of the later visitors.[28]

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[26] "E para todo lo que dicho es vos demos poder cumplido con todas sus incidencias e dependencias anexidades y conexidades" (Puga, *Cedulario,* I, 305–7). This phrase, common to the royal instructions of the period, was also used in the instructions which Cortés gave to Alonzo de Grado in 1526, quoted in part above (see pp. 93–95).

[27] Puga, *Cedulario,* Real Orden, June 26, 1543, II, p. 448.

[28] In this visitation the policy of non-interference with the officer being secretly investigated was not adhered to, nor were the names of witnesses kept secret (Solórzano, lib. v. cap. x; cf. Bancroft, *History of Central America,* II, 131). The method employed in the visitation of Mendoza is shown in the *Interrogatorio por el cual han de ser examinados los testigos que presente por su parte D. Antonio de Mendoza,* printed as a *Fragmento de la visita hecha* . . . in Icazbalceta, *Colección de Documentos,* II, 72–140.

In addition to these full powers from the sovereigns, Sandoval was also commissioned inquisitor of New Spain by Cardinal Juan de Tavera, inquisitor-general of all the Spanish dominions. Sandoval was already canon (*canónigo*) of the church of Seville and inquisitor of the bishopric of Toledo. By his instructions from Tavera, he was given power to inquire "against all persons, men or women, living or dead, absent or present, of whatever condition," or their agents, for heresy or apostacy. He was authorized to castigate or incarcerate offenders against the faith, or, if it seemed just, to deliver them over to the secular justice. In the exercise of these powers he was to continue until they were revoked by the Cardinal.[29]

Sandoval reached Mexico March 8, 1544, and proclaimed the "New Laws" on March 24; churchmen and lay *encomenderos* joined in protest against the royal policy which would deprive them of their *encomiendas*, and succeeded in having the execution of the royal orders postponed. Neither the visitor nor the viceroy felt strong enough to combat the determination of the colonists to continue the exploitation of the natives. The visitation therefore caused little change in the viceroyalty, and produced less benefit. Even in the exercise of his ecclesiastical functions, Sandoval did little beyond convoking the bishops for the purpose of deciding what ought to be done for the spiritual needs of the people. This convocation attempted to discuss the affairs of the Indians and the *encomenderos*, but was forbidden to do so by the viceroy, who held such a subject to be an affair of the state, and not of the church. With almost nothing accomplished, Sandoval returned to Spain after a sojourn in the viceroyalty of approximately three years.[30]

In 1549, in pursuance of the royal determination to enforce the suppression of the *encomiendas*, it was deemed necessary to send a visitor to Yucatán and Cozumel. For this and other purposes, the *licenciado* Santillán of the audiencia of Mexico was chosen and commissioned by royal authority. The letter of the Queen to Mendoza concerning this visitation is of interest as showing the close similarity between the functions of the *juez de residencia* and those of the visitor:

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[29] Puga, II, 452–3.

[30] Bancroft, *History of Mexico*, II, 527.

> And since, as you know [the letter reads], we sent to Yucatán and Cozumel as *juez de residencia* the *licenciado* Herrera, our *oidor* of that audiencia [Mexico], and it may be that he has taken cognizance of some of those things which we commited to . . . Santillán, the latter should not take action concerning matters of which Herrera took cognizance. . . . And if it appears to you that it is not necessary (after Herrera's work) to send Santillán, you will so advise me. If he is to go, you will give orders that he is to do so with all secrecy, and let it not be published for what purpose he is going, but let it be given out that he goes only to take away the Indians from the *encomienda* of the *adelantado*, and to assess tributes.[31]

In the instructions of Santillán appears for the first time the provision that the visitor was to receive his salary from court fines (*penas de cámara*) assessed by himself. This provision became an ordinary feature of subsequent instructions. Insufficiency of the fines to meet the requirement was to be overcome by drawing upon real hacienda. It is to be observed in passing, that this visitation, while it was performed by an *oidor*, was not one of the ordinary visitations of an *oidor* under the provisions of the ordinance of the audiencia, but was a special commission from the Queen.

In 1552 the *licenciados* Lebrón de Quiñones and Contreras, *oidores alcaldes mayores* of the audiencia of Guadalajara, were making a visitation of the kingdom of New Spain (not of Nueva Galicia—their province), under royal orders. They had also instructions from the viceroy to enforce the "New Laws." It appeared to the *oidores* of the audiencia of Mexico that the visiting officers ought not to have power so great as to permit them to free slaves, to moderate tributes, or to stop the "personal service" demanded of the Indians, without first informing the audiencia of Mexico, so that it might determine how these things should be done. Prince Ferdinand, deciding this conflict of authority, ordered that the audiencia should not place any impediment in the way of the visitors save by way of appeal, which must not act as a stay of execution of their orders.[32] The principle of the exemption of visitors from interference by the audiencia was maintained as a feature of the later judicial system.

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[31] Puga, II, 36.

Again in 1563 was a visitor, Valderrama, sent to New Spain. This visitation was concerned both with real hacienda—the revenues being inadequate to the needs of Philip II—and the courts of justice. The audiencia was to be warned by the visitor to obey the royal decree forbidding their notorious practice of engaging in expeditions of discovery or in merchandising. Two of the *oidores,* Villanueva and Puga, the latter the author of the *Cedulario* frequently cited in this chapter,[33] were deprived of their positions and deported to Spain for alleged irregularities. Among other measures taken by Valderrama was that of doubling the tribute to two pesos. More accurate enumeration of the Indians was ordered, that the tribute might be more efficiently collected; a number of additional alcaldes were to be appointed, and recommendations were made that the term of the viceroy and that of the audiencia members should be limited, and that the presidency of the audiencia should be held by a jurisconsult and not by the viceroy. Valderrama severely criticised the viceroy, the first Velasco, alleging that he was incompetent. The viceroy, on the other hand, was deeply incensed at what he considered the visitor's officiousness in reform measures. Upon the death of Velasco (July 31, 1564), Valderrama urged again that the succeeding viceroy should not be made president of the audiencia. The *ayuntamiento* of Mexico took the initiative in suggesting to the court at Madrid even more radical departures in government. That body petitioned to have Valderrama appointed governor, and to have the young Marqués del Valle Martín Cortés, made captain-general. The desire was expressed that there should be no more viceroys sent out, with their armies of dependents and relatives, to exhaust the land by their extravagant expenditures.

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[32] Cédula of August 28, 1552, Puga, II, 178–182.

[33] A notice of Puga and the *Cedulario* is given in the introduction to the edition here cited, and in the *Bibliografía Mexicana del Siglo XVI, Primera Parte* (Mexico, 1886), 124–8. Both works were edited by Joaquín García Icazbalceta. See also Antequera, *Historia de la Legislación Española,* 475.

The viceroy being dead, and the audiencia being still under visitation by Valderrama, the latter was practically in charge of the government. It is quite surmisable that the *ayuntamiento* of Mexico was well under his influence. His authority he strengthened by close intimacy with the young marquis. But the period was filled with brawls and bickerings among the Spaniards. The royal determination to prohibit perpetuity of proprietorship in the *encomiendas* was the cause of deep discontent, and a foolish plot was formed to resist the king's orders. The Marqués del Valle was invited to head the revolt, and was later tried for complicity in it. Valderrama, concluding his visitation early in 1566, returned to Spain, leaving the audiencia in charge of the government. This court began a searching investigation of the conspiracy of the *encomenderos*. Some of the plotters were executed, and much ill-will was engendered among the colonists, which endured until the coming of the third viceroy, Peralta, who arrived at Vera Cruz on September 17, 1566.[34]

The efficiency of Valderrama's visitation was shown in an appreciable increase in the revenues derived from the tribute. His recommendation for shortening the term of the viceroy and of the *oidores* later became the government policy, as did the separation of the viceroy from the actual presidency of the audiencia, though this latter provision was delayed over two hundred years in fulfillment, the *regentes* being appointed in 1776.

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[34] Bancroft, *History of Mexico*, II, 584–591, 601–621.

The new viceroy was not long in command when he was accused of having entered into the plans of the *encomenderos* for revolt against Spain. Two officials, called indifferently *jueces pesquisidores* and *visitadores,* Muñoz and Carrillo, had been commissioned by Philip II to assume the government, as well as to conduct trials of the instigators and participants in the revolt, or rather in the plot to revolt. They reached Mexico in October, 1567, and proceeded to punish with great cruelty those whom they found implicated in the recent disloyalty. Muñoz, the elder of the two judges, assumed the leadership. He condemned to death six conspirators. The Marqués del Valle was tortured, but refused to confess complicity. Spanish subjects in large numbers were imprisoned. So great was public consternation at the course of Muñoz that petitions were sent to the king, setting forth the distress of the country and the danger of widespread revolution if the new royal representative should continue to have free rein. In response to these representations, the king commissioned Villanueva and Puga, the ex-*oidores* who had been expelled by Valderrama, to return to New Spain and depose the *pesquisidores.* Peralta, the deposed viceroy, was sent to Spain in company with Muñoz and Carrillo. The latter died at sea, and Muñoz, having been discredited by the testimony of Peralta, was disgraced by the King, and survived his colleague but a very short time. The audiencia of Mexico reassumed control of the government upon the arrival of Villanueva and Puga. In November, 1568, the fourth viceroy, Enríquez de Almanza, succeeded the audiencia.

The visitation, or more properly speaking, the *pesquisa,* of

Muñoz is the most notorious example of abuse of power in the hands of a secret investigator in the history of New Spain.[35] The conspiracy which he punished is not thought by the writers just cited to have been as dangerous as he conceived it to be, and his treatment of the Spaniards involved in it is condemned by them. On the other hand, Genaro García says that this uprising evidently had for its purpose the casting off of allegiance to Spain, and was of deeper significance than has usually been attributed to it.[36] However this may have been, it is indubitable that the kings of Spain during the early years of American conquest had great difficulty in making their power felt and obeyed among the hardy pioneer conquerors who brought the new continent under the Spanish dominion. Contemplated reforms were insistently resisted, and serious impediments placed in the way of change from the modes of life which grew up in the new land. Habitually, the sending out of a visitor-general was the occasion, even if it was not the cause, of great complaint in official and commercial circles as well.

Suárez de Mendoza, fifth viceroy, in 1582 complained of the corruption and greed of his subordinates, and of the wickedness and disregard for his authority manifested by the audiencia. He requested that as a corrective a visitor be sent from Spain, clothed with powers to reform the affairs of the viceroyalty. Death removed Suárez in that same year, but his request was complied with in the next, when Pedro de Moya y Contreras, archbishop of Mexico, was appointed visitor.[37] After making his investigation of affairs and reporting to the King, Moya received appointment as viceroy. He thus possessed at one and the same time the important powers of viceroy, visitor, and archbishop, a situation similar to that in which Palafox, bishop of Puebla, found himself in 1642. It was under Moya that the Holy Office of the Inquisition was actually put into operation in Mexico, previous inquisitors having held only temporary commissions. Moya became viceroy on September 25, 1584. He removed many delinquent officers, and fined others; some were hanged. Honest men were placed in positions of responsibility, and as a result the collections of real hacienda increased so much that Moya was able to send to Spain 300,000 ducats of silver and 11,000 marks of gold, whereas previous exportations of precious metals had been insignificant. But Moya was accused of undue severity in his reforms; charges were preferred against him, as a result of which he was in 1586 superseded by Manrique de Zúñiga, seventh viceroy. Moya reassumed for a time his functions as visitor, engaging in a conflict with the new viceroy over ecclesiastical affairs and the visitation of the *oidores*. Upon his return to Spain, he was made president of the Council of the Indies.[38]

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[35] Bancroft, *History of Mexico*, II, 625–632, 654; Manuel Orozco y Berra, *Noticia Histórica de la Conjuración del Marqués del Valle, Años de 1565–1568* (México, 1853), xii, 72, 505. The memory of Muñoz as a cruel tyrant is perpetuated in Mexican literature by a three-act drama of Ignacio Rodríguez, *Muños, Visitador de Méjico* (Méjico, 1838). The life of the young marquis appears in A. R. Gonzales, *Hombres Ilustres Mexicanos* (Mexico, 1873–4), II, 207–25. For the entire episode see González Obregón, 189–361.

[36] *Documentos Históricos Mexicanos, Obra Conmemorativa del primer Centenario de la Independencia de México* (6 v., Mexico, 1910), II, pp. ix, x.

[37] Bancroft, *History of Mexico*, II, 740.

At the beginning of the seventeenth century, a situation arose which again called for a repetition of the established method of secret investigation of the administration of New Spain. Montesclaros, tenth viceroy, succeeded Monterey in 1603. In 1604 a body of troops was sent from New Spain to the Philippine Islands. Shortly after the despatch of these troops, an anonymous letter was received by the Council of the Indies, in which Montesclaros was charged with having appropriated funds intended for the equipment of the military expedition. The Council deemed the accusation worthy of investigation, and thought the time propitious for a general visitation. For these purposes Diego de Landeras y Velasco was sent. He was to carry with him all the papers resulting from the previous visitation by Moya.[39] The *acuerdo* of the Council concerning the visitation to be intrusted to Landeras is brief and unsatisfactory. The agreement was that he should receive the commission in the same form as had Moya, but the commission of Moya is not with the records. On March 26, 1606, the Council voted that Montesclaros, in his capacity as president of the audiencia, should be subjected to the visitation; curiously enough, it was decided that the king should be kept in ignorance of this decision, lest he might interpose objections that such power did not properly belong to a visitor, holding that the chief officer should not be investigated until his *residencia*. It was not until 1624 that the viceroy as president of the audiencia was made subject to the visitation.[40]

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[38] Bancroft, *History of Mexico*, II, 738–42. See below, p. 118.

In his instructions Landeras was urged to report his findings in as short a time as possible, and not to await the return of a *flota* to do so. Like his predecessor Moya, he was to receive his salary and expense money from the fines which he might levy, and not from the royal treasury. He was to perform a visitation of the audiencia and of the treasury officials. Concerning the official conduct of the viceroy he was to make no written report. He was to obtain information on the general state of New Spain, investigate the affairs of the city of Mexico, the procedure of the probate judges (*jueces de bienes de difuntos*), the condition of the University of Mexico, and of the mint. Secrecy in his judicial doings was to be secured by preventing officers under investigation from having copies of charges brought against them and even from knowing the names of their accusers. He was to have a seat in the audiencia, but that court was not to meddle with his visitorial affairs. Whether he had a vote with the audiencia is not stated. Final action on judgments of the visitor was to rest with the Council. Landeras was given letters to the viceroy and to the executive officers of the courts (*alguaciles*), commanding them to assist him in every way possible. The inquisitors of the Holy Office were ordered to maintain friendly relations with him. He was given power to begin his official investigation while on the way from Vera Cruz to Mexico if necessary, before publishing his visitation, though the latter formality was the usual preliminary. Notoriously guilty officers he might suspend. Investigation was to be made of charges which the viceroy had made against the treasurer of Vera Cruz. The visitor was provided with suggestions for reform of *repartimientos* of Indians, and for the increase of the revenues of real hacienda. A list was presented to him, containing descriptions of the abuses which were known to be customary in Mexico, and the names of people there who knew about them. Finally, he was provided with a letter written from Mexico in 1597 by the bishop of Nueva Granada, containing the formal interrogatories which had been made to the ministers of the audiencia, with their answers.[41]

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[39] *Acuerdo y papeles tocantes a la visita de Mexico*, MS 1605, 136-6-12.

[40] See below, p. 122.

Montesclaros suffered little annoyance and less discredit from the visitation, for he was promoted to the viceroyalty of Peru in 1606. He it is who is credited with the statement that "these visitations are comparable to the whirlwinds often seen in the public squares and streets, which serve no purpose save to stir up dust, straw, and other trash, and scatter them about the heads of the people."[42]

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[41] *Acuerdo y papeles tocantes a la visita de Mexico*, 136-6-12. Apparently a visitation of the audiencia had been made in the above mentioned year.

[42] Solórzano, *Politica Indiana*, II, 346. The *residencia* was as little esteemed by the viceroys as the visitation. Cf. Smith, *The Viceroy of New Spain*, 134-5; Revillagigedo, *Instrucción Reservada*, arts. 140, 864.

Landeras sought to facilitate his investigation of irregularities by placing a box at the entrance to his house in which secret information might be deposited. This was a practice strongly condemned by Solórzano, who also found fault with those visitors who were prone to listen to the swarms of informers who were wont to buzz about their ears, hoping to obtain vengeance on their personal and official enemies.[43] As a result of the visitation of Landeras two Mexican officials, an *oidor* and an *alcalde de corte,* were suspended and sent to Spain. A Jesuit who preached a sermon reflecting upon the visitor was arrested and sent to Vera Cruz, but managed to avoid being sent on to the Peninsula. These suspensions and other rigorous acts caused the usual remonstrances to be made against Landeras, and he was recalled in 1609.[44]

In 1635, the viceroy Cerralvo having twice requested to be relieved of his office, the *licenciado* Pedro de Quíroga y Moya, *oidor* of the audiencia of Seville, was on May 3 commissioned to go to New Spain to conduct Cerralvo's *residencia.* Many other commissions visitorial in character were intrusted to Quíroga. Especially important were his instructions concerning the Manila trade. Frauds at Acapulco in the building of vessels as well as in smuggling were to be investigated, and the visitor was to pass sentence upon the culprits discovered. The governor of the Philippines was to be ordered to send sufficient men on the galleons to replace losses by death among the crew, and he was to make provision for appointment of an admiral during the voyage in case the incumbent should die. Trade with the Portuguese was to be prohibited. In Mexico, frauds alleged to have been committed in the construction of the Huehuetoca drainage canal (begun in 1607) were to be prosecuted. The rich salt mines of the Peñol Blanco were to be inspected, and leases of the salt revenues were to be made. Certain accusations against Cerralvo were to be investigated. The viceroy and other officials were ordered to assist Quíroga in all ways possible, and the audiencia was forbidden, as were the *oficiales reales,* to draw orders upon any sums collected by the visitor. It does not appear that he was ordered to perform a general visitation of the courts or of the offices of real hacienda. With him he was permitted to take an official family of ten assistants and servants, and two woman-servants. Upon return from successful completion of his commission, he was to have a position in the Council of the Indies, or be made fiscal of hacienda or *alcalde de corte*[45] (civil and criminal judge of Madrid).

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[43] Solórzano, II, 348.

[44] Bancroft, *History of Mexico,* III, 7; J. Torquemada, *Primera Parte de los veinte i un Libros Rituales i Monarchia Indiana* (Madrid, 1723), I, 759.

The visitation performed by Juan de Palafox y Mendoza is one of the most interesting of the series. Palafox was a member of the Council of the Indies, and was consecrated bishop of Puebla on December 16, 1639. He reached New Spain in June, 1640, on the fleet which carried Escalona, seventeenth viceroy. He was especially commissioned to take the *residencia* of the retiring viceroy, Cadereita, and to reopen that of Cerralvo, against whom charges had been renewed. He was also to investigate the courts of justice and the offices of real hacienda, referring any charges brought against delinquents to the Council of the Indies. Commercial relations with Peru and the Philippines were to be subjected to his scrutiny. As a safeguard against loss of documents in transit to Spain, he was to retain in Mexico copies of all his legal processes. No time limit was set upon the visitation, but it was to be performed as expeditiously as possible. If fines and confiscations did not meet his expenses, he was authorized to draw upon the treasury at Mexico for balances due him.[46]

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[45] *Acuerdo y papeles tocantes a la visita de Mexico,* 136-6-12.

[46] *Ibid.*

Palafox was at first successful, because he was temperate, in the exercise of his ecclesiastical and visitorial duties. Litigants respected his decisions. His relations with the viceroy were harmonious. His course in depriving religious orders of some of their missions and erecting them into parishes was upheld by the Council of the Indies.

But Escalona sold offices and pocketed the proceeds.[47] Palafox remonstrated, and harmony between the two was at an end. Other causes of discord followed. Suspicion was cast upon the viceroy because of his friendship for his Portuguese cousin, who was identified with a revolt then in progress in Brazil. It was feared that the viceroy and certain of the Portuguese residents of New Spain would prove disloyal. Escalona was deposed, and Palafox became viceroy. Simultaneously he was offered the archiepiscopacy, but he declined it. For the second time there was a viceroy-visitor with high clerical position in New Spain. Palafox began his viceroyal functions on June 10, 1642. Escalona departed for Spain about the close of the year. The bishop proved efficient as viceroy, accomplishing many reforms, but he was superseded at the end of five months by the Count of Salvatierra. Palafox resumed his interrupted visitations and his see.[48]

During Salvatierra's term Palafox became embroiled with the powerful Jesuits, who insisted upon preaching and hearing confessions without obtaining the prescribed licenses to do so from the bishop. At the climax of the quarrel Palafox felt obliged to seek retirement, and deserted his post as bishop. When he returned from seclusion to Puebla in 1647 he found that he had been by royal cédula relieved of his duties as visitor. He retained his bishopric, and was ultimately victorious over the Jesuits in the matter of licenses. The unfinished visitation was confided to Pedro de Gálvez, alcalde of Granada, who arrived in Mexico in 1650.[49]

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[47] Bancroft, *History of Mexico*, III, 537–8, describes the methods by which the viceroys were able to increase their incomes. Arangoyti, who conducted the *residencia* of Cruillas in 1766, speaks of the purchase of employments from the viceroys as one of the most insidious forms of venality in the colonies (*Carta del juez de residencia del virrey marqués de Cruillas y sentencias dictadas*, 90–2–17).

[48] Bancroft, *History of Mexico*, III, 98–119.

Pedro de Gálvez, commissioned June 1, 1649, was urged to complete the visitation as speedily as possible. The viceroy and Palafox were ordered to turn over to him all papers necessary to that end. The new visitor was given a peculiar instruction, namely, that the viceroy and the audiencia were not to be allowed to take cognizance of causes prosecuted by the visitor; yet, in spite of this *general* inhibition, Gálvez was informed that he was to be dependent upon the viceroy in matters of the visitation. He objected to this arrangement, but it was not altered. The apparent contradiction is explainable only on the theory that in the secret investigations Gálvez was to proceed independently, while in affairs touching administrative change the viceroy was to be supreme. Visitors and viceroys almost uniformly had difficulty in adjusting their relations. The two officers in this case were commended "to correspond in all unity and conformity, for the completion of whatever might come up in the discharge of their commissions." In addition to the inspection of the royal offices and courts, Pedro de Gálvez was to take the *residencia* of the viceroy, his servants, and the *alcaldes mayores* whom he had appointed, in case this had not already been done by Antonio de Quíroga or Antonio de Castro, *oidores* of Guatemala, who had been commissioned for the purpose in 1647.[50] Gálvez was also to investigate charges which had been brought against Palafox by the Jesuits—a visitor visited, in fact. He was also to probe charges of injuries suffered by the city of Puebla in the Jesuit disturbances during the rule of Salvatierra, and to report on desirable methods for increasing the revenues of San Luis Potosí. His power in the viceroyalty was enhanced by the privilege of sitting with the audiencia in its *acuerdos*. That he might look forward to a reward for his difficult task, he was promised a place in one of the councils of the court upon his return to Spain.[51]

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[49] *Ibid.*

[50] On the visitation of alcaldes see above, p. 98, and below, p. 129.

The first visitor-general commissioned to New Spain under Bourbon rule was Francisco de Pagave, member of the Consejo de Hacienda. On June 21, 1710, he was appointed "for the universal visitation of New Spain, with the faculty of naming subdelegates." The cédula of his appointment says in effect: The experience of small returns from real hacienda of New Spain at a time when funds are especially needed makes it necessary to speculate on the cause of this unfortunate condition, as well for the sake of its remedy as for the punishment of those who are guilty of causing it. The errand must be intrusted to a minister of integrity and zeal such as is Pagave. That minister is named visitor-general of real hacienda and all its depositories, its accountants, and other ministers in Mexico and other ports and cities in New Spain, with power to send subdelegates to provinces which he may not be able to visit personally. Pagave is to bring charges against all delinquent officials, and the Council of the Indies is to render judgments on these charges. His salary is to be the same as that of preceding visitors, 6000 ducats per annum. His instructions are to be general, not specific. All ministers are to aid in the paramount duty of increasing revenues, especially from the mining duties. This, it is hoped, will be effected without that notable delay which has characterized previous visitations of real hacienda, causing confusion among officials and actual decrease in the output of the mines. Exact compliance with the laws and ordinances governing *oficiales reales* and *contadores* is to be required. Under these regulations, the details of the visitation are left to Pagave's discretion, to punish proven frauds, close all delinquent accounts, and collect any balances due.

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[51] *Acuerdo y papeles tocantes a la visita*, 136-6-12; Guijo, *Diario*, in *Documentos para la Historia de Mexico*, Primera serie, I, 107-276, gives short accounts of the movements and official acts of Pedro de Gálvez. He returned to Spain in 1654.

For hearing causes the visitor is to name an assessor from among the *oidores;* upon his advice suits are to be conducted and judged. Appeals are to be allowed only according to law, and time limits are to be set for the defense. Record is to be kept of the specific origin of any moneys collected, and these funds are to be sent at once to Spain on national ships. The visitation is to be concluded as expeditiously as possible. For subdelegates Pagave is to commission members of the audiencia if possible. Their salaries are to come out of the increase to real hacienda which they produce. In cases of doubtful litigation the visitor and his assessor are to appeal to the viceroy and audiencia for temporary decision, until the will of the Council of the Indies can be made manifest. In a later instruction Pagave is ordered to attach the estates of delinquent officials as security for the payment of debts, fines, or balances. The viceroy and audiencia are forbidden to listen to any appeal from the visitor's judgment, nor are they to be made acquainted with any part of his commission. This inhibition does not apply in cases in which the visitor may seek advice of the audiencia as prescribed above.[32]

This visitation was only of the affairs of real hacienda, the purpose being to provide funds for the wars in which Philip V found himself engaged. Visitation of the courts of justice was in 1715 intrusted to the *licenciado,* Francisco Garzarón, inquisitor of Mexico. Garzarón finished the visitation of the audiencia of Mexico only, though he had orders to visit both of the audiencias and the other courts. Indeed, he refused at first to undertake the visitation at all, as he was made dependent upon the viceroy, Valero, for certain features of his work. He made a representation to the court that if the visitation was not to be entirely independent of the viceroy it would be useless; he was accordingly given the independence which he desired, being more adroit or influential than his predecessor, Gálvez. He began his visitation of the audiencia by examining the *oidores* in the order of their seniority. When the time came to make his charges he gave each officer visited merely general descriptions of the charges against him, without specifying what the proofs were, or whether they were conclusive or otherwise. The officials presented their defenses, which were to the point in some cases, but beside the point in others, owing to the secrecy of the processes which had been brought; in the meanwhile the officers had been suspended and removed from Mexico.

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[32] *Acuerdo y papeles tocantes a la visita,* 136-6-12.

When the visitor's findings were sent to the Council of the Indies they were reviewed in the following manner: The summary trial records were examined behind closed doors by the ministers of the Council, including the fiscal. When this hearing was ended the doors were opened, and the attorney of the accused official was admitted and made a defense, just as his client had done in Mexico, under the same disadvantage due to ignorance of the specific accusations. The court then passed sentence. Most of the officials were deprived of their positions. Many attempts were made to reopen the cases, but the King denied all petitions save one. One *oidor* succeeded in having his case reviewed by two ministers of the Consejo Real, though he had indeed died before the review was heard. He was acquitted, not a barren victory in spite of death, for his heirs were thus relieved of the payment of his fines.[53]

The visitation by Garzarón was one of the longest on record. In 1724 the Council of the Indies advised that it should be brought to a close as soon as Garzarón could finish the examination of the *tribunal de cuentas*, the *oficiales reales*, the *consu-*

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[53] Solórzano, II, 353–4.

lado, and the other courts within the City of Mexico. At the same time Philip V ordered the viceroy to bring accusations against any delinquent ministers of New Spain, under his faculties as defined in the *Recopilación,* libro 2, título 16, ley 44. But Garzarón died before his task was done, and in 1728 Pedro Domínguez de Contreras, a member of the audiencia of Seville, was commissioned to complete the visitation of the tribunals of Mexico City. He was instructed to work under the rules which had been provided for Garzarón, and his salary was the usual one, 6000 ducats per annum.[54]

In 1765 José de Gálvez was instructed by the Council of the Indies to take possession of the papers of the *last* visitation, by Garzarón, and ascertain whether the regulations provided by that visitor for the procedure of the audiencia were being observed.[55] It is thus evident that there was no visitor-general sent to New Spain during the interval from 1728 to 1765. In 1743, indeed, as has been already noted in the first chapter, Campillo y Cosío urged sending a group of visitors-general to all the American provinces for the purpose of ascertaining what evils of administration might be corrected, and for the inauguration of the system of intendancies throughout both continents. Though the general inspection of South America by Jorge Juan and Antonio Ulloa met this plan in some degree, yet so far as New Spain was concerned the idea lay dormant until Charles III began the movement which resulted in sending Gálvez to New Spain in 1765.[56]

6. *Qualifications of visitors.*—Little of moment has been written by Spanish authors on the visitation, nor have other writers given it adequate attention. The most noteworthy dis-

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[54] *Acuerdo y papeles tocantes a la visita,* 136-6-12.

[55] Council of the Indies to José de Gálvez, Cédula, March 14, 1765, 88-5-20.

[56] See above, p. 36.

cussion of it is that by Solórzano in his *Politica Indiana*.[57] While much of his discussion concerns legal technicalities treated with great prolixity, the main points brought out are important as presenting what the Spaniards themselves thought of the visitation.

Visitors should remember, said Solórzano, that the presumption is in favor of the rectitude of judges and magistrates who are to be visited. Hence not too facile credence should be given to those informers who endeavor to make out serious cases against them, for in such remote provinces as the Indies there are very many men of evil deeds and little conscience who succeed oftener in bringing punishment upon upright officials than upon guilty ones, the latter being more adept at shielding themselves by purchasing their enemies.

In order to be efficacious, the visitation, whether general or particular, should have a time limit set; three or four years should be enough. Solórzano saw few visitations which were brought to a conclusion. A visitation of the audiencia of Lima by Bonilla lasted twenty years; both the visitor and the members of the audiencia were dead before it was completed. Another visitation lasted eighteen years, and had then been barely begun. In 1589 the visitation of the viceroy Manrique de Zúñiga[58] was intrusted to the bishop of Tlascala, and was never finished at all.

Visitors should be chosen from among men of great authority, of probity, and expertness in legal affairs, such as were suitable candidates for places in the Council of the Indies—a practice which was usually observed, as has been noted. The visitors should go out with the understanding that it was their business to discover good officials as well as bad ones, in order that royal approval might be as certain as royal condemnation; for visitors who seek too assiduously for evil will be sure to find more of it than actually exists. Officials visited should be given the benefit of the doubt, because their positions are hard ones, as they are the targets for the shafts of calumny of all against whom they decide in the equitable performance of their duties.

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[57] Tom. II, libro v, cap. x.

[58] See above, p. 107.

On the other hand, when visitors are sent out they should not be recalled too readily when complaints are made against them. If their probity was considered when they were appointed they ought to be allowed to complete tasks imposed upon them, whereas the contrary practice was too often observed. In contrast to *jueces de residencia,* visitors should not be liable to challenge for partiality in trials.[59] It was, however, sometimes the practice for the Council of the Indies to permit visitors who were challenged to associate with themselves an *acompañado* to try cases in which the partiality of the visitor was questioned. Solórzano held that this was unnecessary except in what were called *demandas públicas,* that is, trials conducted in public, with representation of the accused.[60]

Visitors ought not to bring charges against *oidores* for error of judgment in their legal decisions. Such was, indeed, the regulation of a cédula of February 11, 1593, incorporated into the laws of the Indies.

Finally, visitors should be very certain, in bringing charges of serious nature, that these are well proven before being submitted to the Council. They should be chary of renewing charges which had already been tried once in visitation or *residencia,* for it was a maxim of the law that no person should be placed in jeopardy *many times* for the same offense. This did not prevent charges being brought against officers who had committed offenses which should have been but were not tried during previous visitations; in fact, the perpetual ministers of the audiencia were customarily liable to trial for old offenses newly discovered by a later visitor. In this respect they were in worse condition than *corregidores* and other term governors and officials, who, having once undergone the *residencia,* were not liable to trial for old offenses.

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[59] Recusation, originally intended to protect a defendant from a judge suspected of bias, was formerly used in English as well as in Roman law. It became a device to delay the process of justice. See Rodríguez de San Miguel, *Pandectas,* III, No. 3706, 3720–3753; *Novísima Recopilación,* tít. 2, lib. 11.

[60] *Recopilación,* lib. 2, tít. 34, ley 36, provided that visitors should be accompanied in public but not in secret trials.

7. *Laws of the Indies on visitations.*—During the period from 1551 to 1680 the provisions of the Spanish monarchs for the regulation of visitations became part of the laws of the *Recopilación;* they are found for the most part in libro 2, título 34. It is appropriate here to indicate the provisions of the most important of these.

The Council of the Indies might, whenever deemed necessary, send out, with the king's approval, visitors to the Casa de Contratación, to the *consulado* of Seville or Cadiz, to the officials of the audiencias of the Indies, the *tribunales de cuentas, consulados,* and to "all those who according to law ought to be visited."[61]

Visitors were required to go to the chief city of the district to which they were sent and inform themselves as to how justice was executed, what churches had been founded, how church officers comported themselves, in what condition real hacienda was, what frauds had been committed, what fines had been paid, and where the money might be.[62] They were to publish their visitation throughout the entire district concerned,[63] and for all their needs the viceroys and presidents of audiencias, or governors, were to render all assistance needed,[64] refraining from placing any impediment in the way of visitors, such as resorting to appeals or exceeding their powers.[65] Visitors might sit with audiencias and hear discussions, but might not vote nor intervene in affairs belonging to the audiencias.[66] This law was sometimes ignored, and certain visitors were given the right to vote with the audiencias, as has been noted above. In 1588 visitors might subdelegate representatives to take visitations of provincial towns,[67] but this power was taken from them in 1606.[68] In 1633 they were allowed to send representatives or go themselves, as they saw fit.[69] Officers visited were not to be deprived of their functions save under serious accusation. Charges being brought, the accused were to be allowed to make a defense, and remain suspended until the Council of the Indies should pass final judgment. If any officials tried to impede the visitation, they might be suspended if it were deemed necessary.[70]

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[61] Ley 1.

[62] Ley 8, 1588.

[63] Ley 9, 1588.

[64] Ley 10, 1608.

[65] Ley 11, 1608.

Expenses of visitation were to be met from court fines, or, if these were insufficient, from real hacienda, reimbursement to be made later from fines.[71] Visitors and *jueces de residencia* were obliged to send to the Council, in addition to the written processes of their visitations, private accounts of each case tried, with details as to witnesses, accusations, and findings.[72] Visitorial accusation was not to be brought against magistrates for error of judgment in imposing fines, no matter what the sum involved.[73] Officers visited were not to have copies of testimony against them, nor to know the names of their accusers.[74] Public suits (*demandas públicas*) were to be limited to seventy days' duration, counting from date of summons, and in any such public cases which might be pending before audiencias visitors might, if requested by litigants, execute justice.[75] Visitors were not to submit their commissions to the audiencias, but only make general announcement of their errands, without giving specific information concerning them.[76] Any small matters which visitors could not finish before the time to conclude their commissions were to be referred to the viceroy and ministers of justice and hacienda.[77] Collections made by visitors were to be paid not to them, but to the *tribunal de cuentas*.[78] Ecclesiastics performing visitations of audiencias or taking *residencias* might not enjoy their churchly immunity (*fuero*) during the execution of their commissions.[79]

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[66] Ley 12, 1588.

[67] Ley 19.

[68] Ley 18.

[69] Ley 20.

[70] Ley 26, 1588.

[71] Ley 42, 1588.

[72] Ley 41, 1565.

[73] Ley 30, 1593.

[74] Ley 24, 1606.

[75] Ley 35, 1607.

Only those officials who lived in cities where there were audiencias need be visited unless specific orders were given extending the visitation.[80] Visitors were to have access to the records of all courts, to read or to copy them, in a place where secrecy of the records would not be divulged.[81] But they were forbidden to ask for the books in which the *oidores* kept copies of letters written to the king about the visitation.[82] Viceroys were to be visited in matters concerning their presidency of audiencias; their acts as captains-general and as viceroys were to be inquired into only at the *residencia*, as were the acts of their assistants and servants.[83] Serious offenders, save only viceroys, might be, if suspended, sent out of their districts, or even to Spain.[84] If officers were deemed guilty of serious crime, the visitor must expedite their cases, forwarding the documents in proof to the Council as quickly as possible without waiting to render decision, that justice might be swift.[85] Visitors might execute judgments on the estates of accused officials, in spite of appeals, if requested to do so by aggrieved parties, for the sake of public example.[86] In 1633 visitors were required to circumscribe their reports to the Council to affairs immediately germane to their commissions.

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[76] Ley 7, 1609.

[77] Ley 31, 1610.

[78] Ley 32, 1608.

[79] Ley 37, 1619.

[80] Ley 15, 1624.

[81] Ley 16.

[82] Ley 17, 1607.

[83] Ley 13, 1624.

[84] Ley 27, 1624.

[85] Ley 28, 1623.

[86] Ley 29, 1625.

All necessary decisions of affairs they might make for themselves, in accordance with law. In all cases not covered by their commissions visitors were to proceed according to the laws of the Indies and of Castile.[87] By royal order of December 31, 1630, visitation was prohibited of such officers as received their commissions from councils other than that of the Indies.[88] In 1680 it was provided that visitors might be challenged only in regard to public suits, in which recourse to the viceroy might be had,[89] and when visitors were so challenged they should have *acompañados* named by the viceroy, with the aid of whom suits causing challenge should be decided.

8. *The Instructions to Gálvez.*—It will thus be seen that the regulations governing the visitation, as promulgated by the Hapsburgs, are simply an agglomeration of special rules, with little coherence. Many of these laws were re-enacted several times; in each case the date of original enactment has been indicated in the footnote. Fortunately, the instructions given to José de Gálvez are of greater service in explaining the purpose and procedure of his and other visitations than are the laws of the Indies. These instructions were contained in three principal documents, two of which emanated from the Council of the Indies, and a third from the King. The first of the instructions of the Council refer to visitation of the courts of justice. Its substance is as follows:

Gálvez was to present to the viceroy and the audiencia his commission for a visitation of all the courts of justice, publish his visitation in all cities and towns of the viceroyalty by placing his orders on public bulletin boards; examine all witnesses secretly (informing them that they need not prove what they testify, but only tell the truth); and, for his own guidance, demand any papers needed from the government archives. He should see whether the judges of the audiencias fulfilled their oaths of office by attending court daily, observing secrecy in all cases until judgment was rendered, and preventing abuse in legal procedure. He was to find out whether the *oidores* conducted their special rotational commissions outside of Mexico City without abuse or undue expense to the towns in which they were entertained; whether they received more salary than was provided by law or accepted gifts from litigants; and whether they enforced the laws prescribing good treatment of the Indians. The visitor was to ascertain whether subordinates of the audiencias unlawfully accepted fees for defending Indians, inasmuch as they were adequately paid for such service from the tax paid by the Indians (*medio real de ministros*) for their defense. The conduct of governors and alcaldes in apportioning merchandise to the Indians of the *encomiendas* was to be rigorously investigated, and the *oidores* held responsible for any laxity which they might have permitted. The fiscals of the audiencias were to be prosecuted if they had failed to defend the Indians, or if they had not paid particular attention to affairs of real hacienda as their chief duty. Those *oidores* who served as *jueces de bienes de difuntos* were to be examined as to their proper conduct of all probate cases. Subordinates of the courts were to be examined to see whether they connived to delay justice for profit, charged excessive fees, or whether they kept the records in orderly condition, complying with the laws which prescribed their duties. The visitor was to examine the state of the funds created by court fines and expenses (*penas de cámara y gastos de justicia*). He was to see that the regulations provided for the audiencia of Mexico by the last visitor, Garzarón, were observed. In cases wherein he found irregularities he was to bring charges against delinquents, proceeding in all things with deliberation and rectitude corresponding to the satisfaction which his Majesty had taken in him, acting with the discretion expected from an official who has before him the actual demands of the situation.[90]

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[87] Ley 34, 1633.

[88] Ley 30.

[89] Ley 36; this provision was affirmed by cédula of April 28, 1765.

A separate instruction from the Council prescribed the course Gálvez was to pursue in visiting the offices of real hacienda:

In investigating excesses which might have occurred in collection of revenues, and in ascertaining the increment of the various branches of real hacienda, the visitor was to include all *oficiales reales, contadores,* and other officers of finance. He was to punish the guilty by preferring charges, hearing their defenses, and permitting them such appeal as was provided by law. The visitation was to be made short enough to be of practical value. Previous visitations had dragged until their benefits had been nullified. Promotion of mining, collection of mining revenues, and provision of quicksilver and other supplies to the miners was to receive his particular attention. The examination of the officers of the treasury was to conform to the requirements of libro 8 of the *Recopilación,* in which the obligations of such officers were set forth. "Exact obedience"[91] to these laws was to be required from all. All sums collected were to be entered in the *cajas reales* in separate accounts and sent to Spain on national ships at the earliest opportunity. Gálvez was to name his own clerk, treasurer, and *alguacil,* who were to be paid from the receipts of the visitation.[92]

Gálvez was later informed that he and the viceroy were to plan the removal of the swarms of idlers from the large cities of the viceroyalty to the frontier, where they might serve themselves and the state as a bulwark against the savages of the north.[93]

It is not surprising that the instructions which emanated from the King, given over the hand of Arriaga, Minister of the

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[90] Manuel Patiño to Gálvez, Madrid, March 14, 1765, 88-5-20.

[91] See below, p. 194.

[92] Patiño to Gálvez, Madrid, March 16, 1765, 88-5-20.

[93] Arriaga to Cruillas, Madrid, March 26, 1765, 88-5-20.

Indies, were confined exclusively to affairs of real hacienda. In one important particular, that of the prospective establishment of intendancies, the instructions by Arriaga concerned reorganization of the judicial system, but it was for its effect on real hacienda that this reform was chiefly contemplated. On the question of enforcement of abstract justice, or on reform in procedure, there was no stress placed.

In contrast with previous instructions, those of Arriaga manifest a directness and perspicacity which indicate the advance, not only in knowledge of New World conditions, but of statecraft in dealing with them, which characterized the reign of Charles III. These instructions have been translated in the Appendix; for the sake of clearness they are presented here in résumé:

Unusual expenditures having necessitated increased revenues, a visitor is required who will create such revenues by improving the treasury service, cutting down expenses, eliminating frauds, and regulating future administration of real hacienda. To this end the co-operation of the visitor and the viceroy is expected. The visitation is to begin at Vera Cruz. In that city it is to include the administration of the *cajas reales,* the custom-house, the imports in single ships, and those of the *flota*. Inspection of single ships is to be more rigorous than of the *flota,* for the importations of the latter were not dutiable at Vera Cruz, but at the Jalapa fair. Reform of the system of entering goods is to be effected in consultation with the viceroy. If only existing rules are to be enforced, that matter is left to the visitor, who is to decide whether more efficient regulations are needed. Especially must smuggling be prevented. The Jalapa fair is to be officially visited, to enforce collection of lawful duties there. In every part of the realm revenues are to be inspected branch by branch, in order to determine whether collections conform with regulations, and what expenses of the service may be eliminated. If uniformity of practice, equitable to all, is observed, even though not the legally required practice, it is to be confirmed. But if inequalities are discovered, or if frauds are committed, the letter of the law is to be strictly enforced. Officials of integrity are to be commended, but others are to be removed. A later clause in the instruction obliges the visitor to act always in accord with the viceroy, with whom the prerogative lay of recommending to the King appointees to fill vacancies caused through removals by the visitor.

Wherever established rules of administration of real hacienda are adequate they are not to be changed; otherwise the visitor is to frame new rules to be proclaimed by the viceroy. Most of the revenues being leased to revenue farmers, the contracts of lease are to be carefully examined to ascertain whether they are just both to lessees and real hacienda, and to determine what increase might be demanded at renewal of contracts, or whether administration of the revenue by the crown would prove more profitable.

Specific instructions are then given for reform in the most important revenues. In a word, it was expected that the visitor would, unless convinced of the utility of other measures, place all revenues under crown administration whenever leases expired. In legal procedure Gálvez was to act as a *ministro togado,* that is, as a superior judge, permitting appeal only to the royal person. In actuality, appeals from Gálvez to the King were referred to the Council of the Indies, and sometimes from that body to the Council of Castile, when legal action conforming with the reforms which Gálvez instituted was desired by the monarch.

Financial affairs of the municipalities are to be examined and reformed in order to prevent malversation, and to make it possible to reduce superfluous expense. The feasibility of establishing one or more intendancies is to be reported to the King for decision. Weekly meetings with the viceroy are to be held in order to promote the welfare of the treasury. With the viceroy the visitor is to maintain harmony *as far as possible.* Finally, all steps are to be directed solely to the "service of both Majesties." Any steps which are thought desirable, but which involve grave difficulties, are to be referred to the King himself, "that he may in view thereof act according to his pleasure."[94]

9. *The Opinion of Velarde.*—Contemporary legal opinion of the powers of Gálvez under his instructions is not without interest at this point, though more will have to be said later about the incidents which gave rise to the expression of this opinion. Gálvez had not been four months in New Spain before he was embroiled in a violent quarrel with the viceroy, who protested that his prerogatives were being invaded by every act of the visitor. Cruíllas, man of affairs, trained in military but not in legal matters, appealed to the fiscal of the audiencia for an interpretation of the instruction to Gálvez and for advice in the special difficulties which had arisen. Gálvez refused to submit to the viceroy copies of his instructions from the Council of the Indies, a fact which irritated Cruíllas, and circumscribed the opinion of the fiscal to the instructions from Arriaga and to the commission of Gálvez as intendant. As the opinion (*respuesta*) is generic in character, it serves to illuminate understanding of the functions of visitors, and the powers of Gálvez in particular. Velarde, the fiscal, said in substance:

The commissions and employments which his Majesty confided to Gálvez are those of visitor-general of all tribunals and *cajas reales* of the kingdom, that of regulating the management and control of all the revenues of real hacienda, and that of intendant of the army with temporary assignment to America. Although these faculties are granted to one person, they are really distinct, and should be considered separately.

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[94] *Instrucción reservada*, Arriaga to Gálvez, El Pardo, March 14, 1765, 88-5-20. Appendix. Cf. the cédula of October 31, 1764, in Zamora y Coronado, *Biblioteca de Legislación Ultramarina* (Madrid, 1844-46), III, 597-646, which forms the instructions to the first intendant at Havana.

The visitation, continued Velarde, is a task of delegated, contentious jurisdiction over the judges, ministers, and officers of the tribunals named in the commission granted, and over crimes committed in the discharge of such offices during their tenure or on account of them; hence the *persons* of delinquents are subject to the visitor, else his commission would be of little avail. This process of the visitation was instituted only for offices which, held in perpetuity, might, without such check, become sinister in effect upon the vassals. It is not intended for term employees, who are, instead, subject to the *residencia*. Hence governors, *corregidores, alcaldes mayores,* and other officers appointed for definite terms in the Indies have never been subject to the visitation, according to prevailing opinion. If term officers were to have been visited, the fact, being an innovation, would have been expressed in the King's order. Not his Majesty's power to do so is doubted, but the fact of his having done so. If term officers are not to be visited, much less are those who hold no public position. Gálvez seems to think that a visitor ought to take cognizance of every kind of suit, and that it would be extraordinary if he, the highest and most independent judge in the land, could not sentence a common thief to prison.[95] Such, however, was the situation, according to Velarde. Visitors-general were restricted to the actual powers expressed in their commissions, and their jurisdiction was thereby differentiated from the ordinary, in which competency extended to all litigation not expressly forbidden. If the visitation comprehended all classes of cases and persons, it would lose its distinctive character; every subject would be deprived without reason of the usual modes of defense and the customary recourses. There was no reason why the safeguards thrown about the visitation on account of visited officers' proneness, if not removed, to wreak vengeance on informers, should be extended to cases of ordinary justice. The only circumstance which mitigated the acerbity of the secret process of the visitation, making it endurable for public officers, was the fact that upon assuming office they tacitly accepted the prospect of such an invasion of their personal rights as vassals. Many jurisconsults held that the visitation was even so an unjust and harsh process, for no one ought to be deprived of a just defense when his reputation was involved. But to exclude ordinary cases of justice and the investigation of term officials from the purview of the visitor in no wise lessened the pre-eminence of that officer's jurisdiction; it merely circumscribed it.

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[95] The incident of the visitor's having done this is related on p. 159, below.

The regulation of real hacienda is likewise a delegated power, hence also restricted to the actual terms of the royal commission. Gálvez had been given power over all branches of the King's patrimony, not to administer absolutely, but to examine them, study abuses, and establish where necessary new modes of administration. The visitation was concerned with *persons* against whom it was directed—a judicial function. The visitation was independent and exclusive in character. The visitor must not disclose his instructions for the execution of that commission, nor reveal the processes which he brought against those whom he "visited." Appeal lay only to the Council of the Indies.

But, said the fiscal, the task of regulating the revenues was of a very distinct nature; though it was, according to Gálvez' commission, exclusive, it was not entirely independent, for, aside from the removal of unfit officers and the forced collection of their accounts overdue—matters exclusively of the visitation—it was the King's desire that the viceroy should intervene in the public matters of the commission of Gálvez. The latter might correct errors, cut down expenses, establish rules where they were lacking, or interpret those which existed. For all those things he might issue orders, but it was the mind of the King that he should have weekly consultations with the viceroy, upon whose authority proclamations for all new measures were to be issued.

The visitor alone had no authority to effect innovations, as neither would the viceroy have had were it not that such power was conferred upon him by the very instructions of the visitor, for new measures of administration were usually reserved by the throne to itself. In a word, in judicial affairs within his commission the visitor was independent; in administrative powers he was dependent upon the viceroy.

These distinctions, said Velarde, were indicated in two clauses of the instructions to Gálvez, one of which[96] said: "In all judicial affairs of the visitation you shall proceed as a *ministro togado y de justicia,* with the independence, reserve, and exclusive jurisdiction provided by the laws of the Indies." In another place[97] concerning the administration of the revenues it was stated: "It will be very proper that, while you reside in Mexico, you hold weekly meetings with the viceroy concerning these matters, for, as they are not reserved and do not concern the visitation, the well-known zeal of my viceroy will be interested in them."

As to the intendancy of the army, which is concerned with the subsistence, economy, and policy of the military arm, it was to be noted that, said Velarde, though these offices were established in Spain by cédula of October 13, 1749, and that intendancy of army and province were in that cédula combined, yet the intendants were in all their functions dependent upon the superior tribunals for the sake of simplicity of administration. Furthermore, no intendancies had as yet been created in New Spain, nor were there any provisions in the laws for them. The viceroy was the actual representative of Majesty; he might do what the King would do, barring explicit prohibitions. He was pre-eminent in government, in the courts of justice, in military affairs, and in real hacienda, of which he was administrator and general superintendent; none but he might dispose of royal funds without the king's orders except in emergency. Hence, an intendant in New Spain could not have any legitimate field of activity save in harmony with the viceroy.[98]

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[96] *Instrucción reservada,* art. XXIX, Appendix.

[97] *Ibid.,* art. XXXII.

Such was the dictum of the viceroy's advisor; it was colored, doubtless, by the fact that the viceroy and the fiscal suspected that Gálvez bore a commission which he had not yet exhibited, giving him greater powers than those conceded by the *Instrucción Reservada*. Legally no powers could be exercised until the royal commission therefor had been exhibited. Gálvez was, in fact, withholding from the viceroy his instructions from the Council of the Indies, being willing to create an opinion that extraordinary powers were granted by them. Arriaga took him to task for so doing, saying that if Gálvez did not exhibit them he himself would forward a copy of them to Cruillas.[99]

The attitude of Gálvez toward Velarde's *respuesta* was that a fiscal was an inferior official liable himself to the visitation, and hence had no right to express an opinion upon it. Nor could he as visitor be influenced by such an opinion; but he made some comments on it, which explain in a measure his own mental attitude toward his powers and duties. The fiscal, said Gálvez, was mistaken in the statement that the visitation was aimed only at permanent officials, for viceroys as presidents or as superintendents of real hacienda were term officials, and also subject to the visitation. Permanent officers such as *ministros togados* of the audiencias were subject to the visitation and to the *residencia* as well, judicial processes dissimilar but not mutually exclusive in character. As to his visitation being directed against governors and ordinary justices, Gálvez declared that he had not so directed it, but if he saw injustice done by such officials it would be his duty to correct it, that being a part of his commission as visitor of the courts of justice.

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[98] *Respuesta del fiscal*, Mexico, December 22, 1765, 88-5-21. Cf. Smith, *The Viceroy of New Spain*, 113.

[99] Arriaga to Gálvez, Madrid, March 11, 1766, 88-5-21.

Further discussion of the attitude of Gálvez would involve anticipation here of the controversy which occupies much of the following chapter. The question of the division of powers between the viceroy and the visitor was a Gordian knot cut by the court through the expedient of sending out a new viceroy who would without doubt work in harmony with the visitor, for the demands of the home government for funds were immediate and pressing.

The determination to send out a visitor was reached a long time before one was sent. The first choice fell upon Francisco Carrasco, later Marqués de la Corona, who had for many years held administrative positions as director-general of revenues from dispensations and stamped paper, and as superintendent of tobacco revenues. Domestic affairs served as excuses whereby Carrasco escaped the unwelcome appointment. Then Francisco Anselmo de Armona, intendant of Murcia, who likewise would have none of it, received the King's command to go as visitor. He was prevailed upon, under pain of imprisonment and confiscation of property for disobedience, to accept.[100] Receiving his appointment early in 1764, Armona sailed from Spain late in the year. But on his way to Havana he escaped the unwelcome task through the interposition of death after only fourteen days at sea. Villalba, on whose expedition with troops for New Spain Armona had sailed, sent word to the King of the death of the visitor-general by a sloop which he passed at sea. Upon receipt of this news the third choice for the arduous task in New Spain fell upon the recently appointed *alcalde de casa y corte*, José de Gálvez.[101]

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[100] Armona gave a pathetic account of his troubles to his brothers before embarking at Cadiz. José Antonio, one of these, transcribed it in his *Noticias Privadas de Casa*, which was used by Ferrer del Río, *Historia del Reinado de Carlos III en España*, I, 455 *et seq.*

"According to the text of the public instructions, the visitor-general was to establish the tobacco monopoly, inspect the conduct of the civil employees and regulate the offices of hacienda; but without the approval of the viceroy he could publish no edict nor *auto;* neither could he name his assessor, subdelegate his powers, give regulations, nor bring processes against those guilty of malversation of funds. According to the secret instructions, secret even from Arriaga, . . . he had to make investigations concerning . . . the viceroy . . . who was always indolent in fulfilling the due obligations of the royal service, and against whom rested charges of peculation. . . . When Cruíllas . . . went suddenly (1762) from Mexico to Vera Cruz to collect troops . . . and add to the defenses of San Juan de Ulloa . . . it was shown that . . . the expenses of that critical moment amounted to 2,000,000 pesos. . . . The war was concluded . . . without any vestige of such sum having been expended on the castle, the coast, nor on the roads to the capital. . . . If the investigation corroborated this report . . . Armona was to arrest [Cruíllas] and bring him to be tried by the Council of the Indies." Cruíllas vindicated his conduct by vouchers presented during his *residencia*. See below, p. 167.

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[101] Cf. Ferrer del Río, *op. et loc. cit.;* Francisco Carrasco to Joseph Martínez Viergol, A. H. N., leg. 3211.

CHAPTER IV

GALVEZ AND CRUILLAS—THE TOBACCO MONOPOLY

1. *Arrival of the visitor-general.*—The new visitor-general prepared for the voyage to America in the spring of 1765. A fleet of five merchant vessels was preparing at Cadiz, to sail under convoy of the frigates of war "Astrea" and "Jasón," commanded by Don Pedro Truxillo, captain of frigate. Gálvez reached Cadiz from Madrid on April 13,[1] and sailed on the "Jasón" on April 26 with his official family. With this fleet also went Don Diego Manrique, newly appointed governor of Havana, and the Lisbon regiment, which was sent to relieve the Córdova regiment, stationed at Havana.[2] The official family of Gálvez was composed of Francisco Xavier Machado, secretary; Francisco Corres, Benito Linares, Salvador Vicente Barrachina, and Prudencio Ochoa Badiola.[3] There were also in Mexico, awaiting the coming of the visitor, three individuals who had accompanied Francisco de Armona as assistants to his visitation. They were Dionisio Azmero, Dionisio de Murga, and Manuel de Aldama. Gálvez was expected to employ Armona's assistants in his own activities. If possible, he was also to give a position to José García Santiestevan, a lawyer who had joined Armona at the last moment. With Armona when he sailed were Matías de Armona, brother of Francisco, and the latter's two sons, a youth of fifteen and a boy of nine years. This Matías de Armona was subsequently governor of Lower California.[4] The director of the tobacco revenue, Jacinto de Espinosa, was also in Mexico,

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[1] Gálvez to Arriaga, Cadiz, April 16, 1765; 88-5-20.

[2] Juan Gerbaut to Arriaga, Cadiz, April 12, 23, 1765; A. G. de Simancas, Marina, leg. 408 antigua.

[3] Ochoa died in Mexico in 1770 (Gálvez to Arriaga, Mexico, August 25, 1770; 88-5-21).

[4] Espinosa to Grimaldi, Mexico, February 9, 1765; A. H. N., leg. 2330.

whither he had accompanied Armona. Him Gálvez was to continue in that employment, provided he could be utilized also in other duties of the visitation. In addition to these persons, who were, except the members of the Armona family, recipients of salaries paid from the public funds from the day they sailed from Cadiz, went also by especial solicitation of Gálvez two lawyers, friends of his choice, but without pay, to serve as his subdelegates upon occasion. They were José Hernández de Vinuesa and Juan Valera. The latter occupied positions in New Spain in which he rendered services which proved that the confidence of Gálvez in him was not misplaced.

The salary granted to Gálvez was 12,000 pesos annually. To his assistants salaries were paid as follows: to Machado, 1000 pesos; to Corres, 1300 pesos; to Linares, 1000 pesos; to Barrachina and Ochoa 700 pesos each. The salaries paid to the assistants who had gone with Armona were: to Azmero, 1800 pesos; to Murga, 1200 pesos; and to Aldama, 700 pesos. These salaries were ordered paid from the treasury of Mexico City.[5]

The "Jasón" arrived at Havana on June 25, 1765,[6] and left July 4,[7] reaching Vera Cruz on the 18th of the same month.[8] This definite statement of the exact date of the arrival of Gálvez in Vera Cruz, here made for the first time with citation of the authoritative sources, clears up the conflict which has existed among writers concerning the date of that event, and supersedes various attempts to account for his supposed private life in Mexico for a number of years pending definite instructions to

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[5] *Relacion de los sujetos que han de pasar a Nueva España con Don Joseph de Gálves,* Marqués de Esquilache, El Pardo, March 11, 1765, 88–5–20. Royal cédula of March 14, 1765, 88–5–20. The salaries of the Armona party were assigned by decree of August 7, 1764, 88–5–20.

[6] Luis Muñoz to Arriaga, Vera Cruz, July 23, 1765 (A. G. de Simancas, Marina, leg. 408 antigua).

[7] Pascual de Cisneros, governor *ad interim* of Havana, to Arriaga, Havana, July 18, 1765; 88–5–20.

[8] Muñoz to Arriaga, Vera Cruz, July 23, 1765; A. G. de Simancas, Marina, leg. 408 antigua.

Cruíllas concerning the functions of the visitor, after a breach which occurred (although there was such a breach) between the two soon after Gálvez arrived.[9]

The first duty of the visitor upon his arrival was to despatch his royal commission to the viceroy. The documents were at once forwarded to Mexico by the hand of Machado. While awaiting the reply of Cruíllas, Gálvez took up his residence in the castle of San Juan de Ulloa in company with his subordinates. There he spent his time in recovering from the fatigue and illness resulting from his tedious voyage, and in gathering information which would be of service in the prosecution of his visitation.[10]

The commission written by Arriaga March 26, sent by Gálvez from Vera Cruz, and the *Instruccion reservada* of March 14, were received by Cruíllas on July 31. On August 1 he sent the credentials necessary for the visitation of Vera Cruz, and promised to aid the visitor in all that lay within his power.[11]

It was not long before Gálvez acquired information that fraud and smuggling were going on at the Laguna de Términos on the Campeche coast.[12] He at once sent thither a subdelegate to investigate the affairs of real hacienda at the Presidio del Carmen, on the Laguna, using for that purpose the "Jasón," which had already been prepared for sea.[13]

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[9] The following writers have Gálvez coming to America in 1761: Cavo, *Los Tres Siglos de Mexico*, written 1794, published in 1836 with supplement by Bustamante, the error being perpetuated; Alamán, *Disertaciones sobre la Historia de la República Mejicana* (1849); Rivera, *Historia de Jalapa* (1869); Zamacois, *Historia de Méjico* (1878); Richman, *California Under Spain and Mexico* (1911); Smith, *The Viceroy of New Spain* (1913). The year of his arrival is correctly given by Lorenzana, *Historia de Nueva España* (1770); Ferrer del Río, *Historia del Reinado de Carlos III* (1856); Lafuente, *Historia General de España* (1883); Blackmar, *Spanish Institutions of the Southwest* (1891). Bancroft, *History of Mexico* (1883-87), makes an effort to harmonize the statement that he arrived in 1761 with the statement that he arrived in 1765.

[10] Gálvez to Arriaga, San Juan de Ulloa, July 22, 1765, 88-5-20.

[11] Cruíllas to Arriaga, Mexico, August 1, 1765, 88-5-20.

[12] The English for many years occupied this locality with an extensive settlement, the inhabitants of which were engaged in cutting dyewood and in making descents upon Spanish vessels plying between Vera Cruz and Campeche. They were dislodged from this settlement in 1718, but continued intermittent smuggling relations with the Spanish. Cf. Bancroft, *History of Central America*, II, 623.

Feeling anxious concerning a number of the affairs of his commission which made his presence in Mexico of more importance than in Vera Cruz, Gálvez decided about the middle of August to set out for the capital, where he arrived on the 26th, with the purpose of remaining a month.[14] He presented himself at once to the viceroy, and immediately afterward to the *comandante general,* Juan de Villalba y Angulo.

Reference has already been made to the circumstances of the request by Cruíllas for troops when he found the viceroyalty threatened by an invasion of the English, who had taken Havana by assault in 1762. The troops sent were placed under command of Villalba, who carried also instructions under which he was able to organize and move troops and build defenses with practical independence of the viceroy. Cruíllas resented this intrusion upon his military powers as captain-general, and was able to make his displeasure felt strongly enough to defeat temporarily the work of preparing public defenses which was intrusted to Villalba.[15]

Gálvez announced to both gentlemen at his first meeting with them that one of the chief errands with which he had been charged was to effect a reconciliation between them, in order that the King's plans, which were suffering by reason of the *impasse,* might be put into speedy effect. The visitor believed, from his first impressions, that he was to have success in this endeavor, but his satisfaction was far from complete, as events proved.

2. *Lack of harmony with the viceroy.*—Even at the first

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[13] Gálvez to Arriaga, San Juan de Ulloa, August 6, 16, 1765, 88-5-21.

[14] Gálvez to Arriaga, Mexico, August 27, 1765, 88-5-20.

[15] Bancroft, *History of Mexico,* III, 402-4.

meeting with the viceroy lack of harmony between the two men became evident. Cruíllas expressed disapproval of Gálvez for having sent the "Jasón" to the Laguna de Términos without consulting him. The "Jasón" had been prepared to go to sea because the viceroy intended to send in that vessel the annual *situado* of 200,000 pesos for the fortifications of the port of Havana. The visitor excused his independent action by saying that he was not aware of this intention on the part of Cruíllas; furthermore, there were two other vessels in the harbor at Vera Cruz which could be used for the voyage to Havana. Gálvez had taken the first one that was ready, it being desirable to get his subdelegate to the Laguna as quickly as possible.[16]

Such a *contretemps,* coming thus at the first meeting of the viceroy and the visitor, and having reference to practically the first official act of the latter, was prophetic of the difficulties which were soon to embroil the two men. Cruíllas was a stickler for the prerogatives of his office; he had been made doubly sensitive concerning them by his differences with Villalba. Gálvez was no less determined that his important functions should not be interfered with. How their antagonism grew will develop in the sequel.

The stay of a month which Gálvez had proposed to make in Mexico was extended until October 10. During his residence in the capital he was busy with affairs which concerned the mining and commercial interests, the monopoly of the tobacco business, and the plans for public defense, the latter involving the need of securing co-operation between Cruíllas and Villalba. By dint of much persuasion Gálvez succeeded in effecting a temporary reconciliation between the two military chiefs, with the result that four military councils (*juntas de generales é ingenieros*) were held, Gálvez attending them in his capacity of intendant. At these councils, called of course by Cruíllas, it was planned to improve the fortifications of San Juan de Ulloa,[17] to complete projected defenses of the Vera Cruz coast, and to send a "formal" expedition to Chihuahua, Sonora, and Sinaloa against the Indian tribes which were terrorizing those regions. The proposal of the juntas was to send this expedition to the north at the beginning of the coming year. Meantime, at the instance of the fiscal of the audiencia, two companies of infantry were sent to the frontier to hold the savages in check. These measures were planned in obedience to royal orders issued toward the close of 1764. Gálvez began almost as soon as he reached New Spain to gather the funds essential for the preliminary expenses of the movement against the Indians, but it was not until the spring of 1768 that the expedition to Sonora was under way.[18]

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[16] Gálvez to Arriaga, Mexico, August 27, 1765, 88-5-20. See below, p. 159.

At these juntas plans were made whereby a permanent revenue for the support of the militia might be obtained. Some previous steps had already been taken to this end, but it was not until February 3, 1767, that revenues of a permanent nature were levied. At that time a duty of half a real was placed on each *carga* (load, usually ten *arrobas,* 250 pounds) of *pulque* introduced into Mexico, and six reals were assessed upon every *cuarterón* of native cloth entered. At the same time, for the purpose of building barracks, a duty was levied at Puebla of three *cuartas* (1 cuarta = 6¼ pounds) on every *carga* of flour there consumed. Attempts were made to levy taxes in other towns, some of which were successful; but so great was the popular opposition to these levies that little was accomplished until the time of the viceroy Flores, and Revillagigedo still found the question of levies for the militia annoying.[19]

The prospective opening of the Jalapa fair for the sale of the merchandise brought by the fleet was another matter which was intrusted to Gálvez by his instructions, and which occupied his attention, in conferences with the viceroy, during the fall of 1765. Cruíllas had begun preparations for the fair before the arrival of Gálvez, by issuing an order opening the roads[20] for the transportation of merchandise on December 1, 1765. The representatives of the *consulado* of Cadiz were anxious to have the date set earlier, but the *consulado* of Mexico seconded the wish of Cruíllas to open the fair in December. After much persuasion Cruíllas yielded the point, lest he be thought to have some self-interest in the matter, and issued a new *bando* making the date of opening October 20. The *consulado* of Mexico yielded gracefully after a conference with Gálvez, and the merchants predicted that the fair would be a success, though it was certain that they could not purchase all of the goods brought by the fleet on account of scarcity of coin in the realm, due to lack of production of the mines and to the large exportations of money on the previous fleet.[21] The commercial interests expressed (to Gálvez) gratification that he was to attend the opening of the fair, for the double purpose of preventing smuggling and of keeping the European importers (*flotistas*) from making feigned sales. The practice of simulating sales at the fair had frequently been the cause of bitter complaint on the part of the merchants of Mexico, who lost much profitable business if the goods were not carried to the capital to be sold for interior points. The pleasure of the merchants over the attendance of Gálvez was very short-lived, as will be seen from the developments recorded in Chapter V.[22]

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[17] Gálvez to Arriaga, Puebla, October 15, 1765, 88-5-20.

[18] Gálvez, *Informe General,* 140.

[19] Revillagigedo, *Instrucción Reservada,* arts. 665–675.

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[20] Cruíllas, *bando*, July 10, 1765, 88–5–21.

[21] The *flota* of 1765, under command of the *gefe de escuadra* Don Agustín Idiáquez y Borja, returned to Spain in 1766 with a cargo valued at 15,785,452 pesos, of which 14,044,541 pesos was in precious metals, coined and in the bar. The royal participation in this exportation amounted to 163,167 pesos. The preceding *flota*, of 1762, under command of the *gefe de escuadra* Don Francisco M. Espinola, exported 15,202,796 pesos' value, of which 13,509,396 pesos was in precious metals, mostly coined. The remaining value of the exports was chiefly made up from cochineal, dyewoods, and vanilla (Lerdo de Tejada, *Comercio Esterior de México*, docs. 4 and 5).

[22] Gálvez to Arriaga, Puebla, October 15, 1765, 88–5–20.

3. *The tobacco monopoly.*—The establishment of the tobacco monopoly, the third of the duties which called Gálvez to Mexico, was perhaps the most difficult of his missions. Before giving an account of the visitor's share in this work it is essential to refer to the status of the project up to the time of his arrival in the viceroyalty.

The Spanish monarchs had long been anxious to establish a crown monopoly of the tobacco industry, but fear of economic disorder, even of civil violence on the part of vested interests, acted as a continuous deterrent. As early as 1642 the bishop-viceroy Palafox had recommended to his successor Salvatierra that the monopoly be established to provide funds for the maintenance of the Windward Island coastguard fleet (*la armada de barlovento*).[23] Palafox, whose opinion as a visitor-general of real hacienda was worthy of notice, felt certain that the measure would be easy of execution, and that the risk of attendant disorder was never so great as the fears thereof which were entertained in Spain.[24]

Gálvez was equally sanguine as to the success of the establishment of the monopoly in New Spain, which was in process upon his arrival, and was then being planned for the other Spanish possessions as well.[25] The first actual steps in Mexico had been taken in 1764 by Cruíllas, who had received orders from Arriaga in 1761 to begin the work. Cruíllas had been interrupted in this task by the necessity of first providing for the defense of his kingdom from the threatened invasion of English forces from Havana. In 1764, however, he initiated government sale of tobacco after purchasing a small quantity from Havana for the purpose. The prices at which this first tobacco was sold were lower than those which prevailed in the open trade in Mexico. The business was intrusted to Juan José de Echeveste, who was required to give bonds for 12,000 pesos, and conducted the business at his own risk without salary. The government tobacco was sold at one-fourth to one-third less, according to grade, than the prices charged by private merchants.

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[23] The frequent mention of Palafox in the dispatches and documents of this period was no doubt inspired by the open admiration of Charles III for the memory of the virile visitor-bishop, whose anti-Jesuit proclivities were shared by the monarch. See Rousseau, I, 166.

[24] Gálvez, *Informe General*, 19; Gálvez to Arriaga, Puebla, October 15, 1765, 88-5-20.

[25] Gálvez, *Informe General*, 26.

Spanish participation in the Seven Years' War added so much to the public debt, however, that greater income was needed, and it was decided at whatever risk to establish a complete government tobacco monopoly, in hope of meeting the necessity by this means.[26] It was for this reason that Armona had brought with him Jacinto de Espinosa, newly appointed organizer and director of the monopoly. Echeveste, being required by Espinosa to give further bonds, which he was unable to produce, his entire fortune being invested in the tobacco business that he was already conducting for the government, was deposed and Espinosa himself assumed control in March, 1765. At that time the assets of the state concern included the trifling sum of 4424 pesos and an insignificant stock of tobacco on hand.[27]

The projected monopoly intrusted to Espinosa involved the gradual closing out of all private interests in the manufacture, production, and sale of tobacco. As this was a difficult undertaking, he was to be guided in his delicate task by an administrative and judicial junta of which he was himself a member. The others were the viceroy, the visitor, the senior criminal judge (*decano*) of the audiencia, and one of the *alcaldes del crimen.* It was the duty of this junta to decide, first of all, whether the monopoly could be established outright, or whether only the purchase of tobacco from producers should be undertaken, while the existing stocks of merchants should be allowed to be distributed, with prohibition of further private negotiation by any one. The second alternative would of course leave production entirely in private hands. The decision of the junta, which had proceeded with its affairs in spite of the death of Armona, was that the monopoly should be established throughout the viceroyalty. Accordingly, *bandos* over the viceroy's signature but in terms proposed by Espinosa were published on December 14, 1764, and January 18, 1765, ordering the preliminary measures. By the latter *bando,* dealers were required to make declaration of all tobacco on hand, and to sell it to the government. The *alcaldes mayores* of Córdova, Orizaba, and Tesuitlán were ordered to send representatives of the planters of those sections to Mexico to make contracts for the sale of their tobacco to the government. These regions were exempted "by royal clemency" from the general prohibition to plant tobacco because the crop raised there was chosen to provide the raw material for the monopoly.

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[26] Real Cédula, August 13, 1764, cited by Gálvez, *Informe General,* 20.
[27] Gálvez, *Informe General,* 20.

Espinosa made contracts with the planters of Orizaba and Córdova by the terms of which they sold their tobacco at three reals, one *cuartilla* (about forty cents) per pound for first-class tobacco, two and one-half reals (thirty-one cents) for second-class, and one real (twelve and a half cents) for third-class tobacco. Twenty-four reals for twenty-five pounds (one *arroba*) were paid for scrap tobacco of all classes. Payment for tobacco was to be made wherever the planters chose. Other features disadvantageous to real hacienda were included in the contracts, which, in spite of the expostulation of Sebastián Calvo, the *alcalde del crimen* who was a member of the junta, were signed on February 21, 1765, for a term of three years. The contracts with the Tesuitlán planters were made at prices a little lower, their tobacco being of slightly inferior quality. Gálvez thought the prices allowed by these contracts excessive, tobacco bringing nowhere else in all the world such high returns. The planters gained a double profit by weighing in the grass mats and cords with which the tobacco was baled, so that the government received only half the weight of tobacco it paid for, though some tare was allowed.[28]

At juntas held on April 11 and 21, 1765, the sale prices were fixed at six reals per pound for leaf tobacco, twenty reals for first-class snuff, and at sixteen and eight reals for second and third classes respectively. Warehouses were planned for the towns where contracts had been let and collectors of the crop were arranged for. Planting of tobacco was prohibited in all provinces other than those having contracts, and a decision was reached to lease the sales monopoly by bishoprics. On the point of lease as against crown administration Espinosa insisted, notwithstanding that the instructions of the King had been to administer the revenue if possible. When Gálvez reached Mexico City in August he at once declared his advocacy of the administration of the revenue. The result was a conflict between himself and Espinosa which led to the gradual elimination and ultimate deposition of Espinosa from participation in the plan of organization.

At another junta, on April 30, the duty on imported snuff was fixed at twelve reals per pound. Decision on this duty provoked another disagreement between Gálvez and the director; Gálvez held that the rate ought to be 100 per cent (twenty reals), as was the practice in Spain. On this point he was ultimately successful in 1771, when Croix fixed the duty at the figure recommended by Gálvez, importations under the lower duty having been in excess of the demand.[29]

It was also ordered by the junta of April 30 that Espinosa's plan of leasing the monopoly by bishoprics should be put into effect, though Calvo reiterated his adherence to the instructions of the King to put the monopoly under administration. A *bando* was issued on June 16, 1765, inviting bids for the contracts, on which a profit of 150 per cent was held out as an inducement, but no bids were offered, as the monopoly was in bad repute because payment had not been made to merchants for stock which they had surrendered, nor had the April orders prohibiting planting and selling tobacco by private persons been anywhere enforced.

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[28] Gálvez, *Informe General*, 21–22.

[29] *Ibid.*, 23.

Thus the monopoly was such in name only, and was confined in its operations to Mexico City and vicinity. Financially the new organization was bankrupt. By the end of August, 1765, its receipts had reached 29,754 pesos, while its expenses were 35,533 pesos, besides which it was in debt for salaries and on contracts for tobacco.[30] The direction was without system; many persons were continuing in free commerce of tobacco in spite of the declared monopoly; the junta was ineffective on account of disputes between its members; above all, Espinosa was proving himself to be incompetent to effect better conditions.[31]

4. *Gálvez dominant in the junta.*—Such was the condition of affairs when Gálvez reached Mexico for the first time, on August 26, 1765. The junta, which had not met since June, now reconvened on the second day of September. The visitor took his seat in this junta by virtue of the instructions which had conceded that honor to his unfortunate predecessor, Armona. The instructions with which Gálvez himself had sailed were silent as to the tobacco monopoly, but this omission was supplied by a special order from the Marqués de Esquilache, who was director-general of the tobacco revenues of the Spanish dominions. By this order, dated April 22, 1765, which had been sent direct to Espinosa to be delivered to Gálvez, the latter was authorized to intervene in the affairs of the tobacco monopoly. The order announced the gratification felt by the King at the

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[30] Gálvez, *Informe General*, 26–27; Gálvez to Arriaga, Puebla, October 15, 1765, 88-5-20.

[31] Gálvez to Arriaga, Jalapa, October 27, 1765, 88-5-20.

progress which Cruíllas and Espinosa had made in the establishment of the monopoly. "I therefore command you," wrote Esquilache, "that, as visitor-general, and exercising the power of intendant, you participate in all measures taken, hastening and facilitating all those which Espinosa deems useful and conducive to securing the perfect establishment of the rent. . . . You will look upon this as the chief object of your commission . . . as it will be one of the most grateful services which you can render to the King."[32]

The entry of the visitor into the junta had a galvanic effect. He at once persuaded that body to re-establish its credit by paying its debts—a thing he was better able to do because he had obtained a loan of 100,000 pesos from the deputy of the *consulado* of Cadiz, with the assurance that if necessary he might count on the use of the entire proceeds of the commerce of the fleet for the purpose of putting the monopoly on its feet. The junta reversed its previous decision by voting that the revenue should be put under administration without delay, and a *bando* was issued retracting that one mentioned above which called for bids on leases. At a junta held on September 6, factories (warehouses) were ordered established in Mexico, Valladolid, Guadalajara, Oaxaca, Vera Cruz, and Campeche; in the remaining towns collection and sale of tobacco were placed in the hands of the magistrates, under instructions drawn up by Gálvez.[33] Juan José de Echeveste was reinstated in his old position as treasurer of the revenue, from which he had been removed by Espinosa. Antonio de Frago, then *contador* of the revenue, was named as co-director with Espinosa, and Matías de Armona, an adherent of Gálvez, was made *contador*. These appointments were made for the purpose of so limiting the power of Espinosa that obedience to the royal instructions, as interpreted by Gálvez, might be secured from him.[34]

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[32] Reproduced in Gálvez, *Informe General*, 26.

[33] Gálvez, *Informe General*, 24–26; Gálvez to Arriaga, Puebla, October 15, 1765, 88-5-20.

Not content with half measures, the new member of the junta called that body's particular attention to the royal order above cited which Esquilache had sent; by virtue of this order the junta delegated to Gálvez power to name collectors of tobacco, guards to prevent free commerce, and a manager to supervise planting and harvesting throughout the year and to arrange contracts for purchase. In addition to these specific powers, it was provided in a final clause of the resolution of the junta that Gálvez should "use his discretion in all other cases wherein he might consider his measures convenient."[35]

> So that [wrote Gálvez to Arriaga], Most Excellent Sir, in the short time of the month of September I have seen the monopoly established with applause in the entire viceroyalty; for the inhabitants have seen by the latest general *bando*, which I formulated, the merciful intentions of the King and the considerable benefit they will acquire if this revenue flourishes, because it will relieve them from other taxes which might be grievous and burdensome. I have left Mexico with the satisfaction of seeing that more than 500 pesos' worth of tobacco is daily sold in the royal monopoly of that city, in spite of the fact that every one is supplied for a year in advance with tobacco which was bought in anticipation of the long unrealized establishment of the monopoly. . . . Before two years have elapsed this will be one of the most considerable revenues of the viceroyalty.[36]

This prophecy was abundantly confirmed. Gálvez was now in the saddle, though the riding was still to be difficult. It was not long before the junta charged him with exceeding his authority in spite of the sweeping discretionary powers which had been delegated to him. Nevertheless, he proceeded with his own plans for establishing the monopoly on the administrative basis. First of all, it was necessary to get rid of the custodians whom

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[34] Gálvez, *Informe General*, 26–27.

[35] *Certificacion del acuerdo de la junta de 6 de Septiembre de 1765*, in *Expediente de cartas cruzadas entre Gálvez . . . y . . . Cruillas*, 88–5–20.

[36] Gálvez to Arriaga, Puebla, October 15, 1765, 88–5–20.

Espinosa had placed in charge of the tobacco warehouses in Mexico; these men were persistent in their adherence to Espinosa and in their careless methods of keeping account of their stock. Gálvez preferred charges against them, removed them, and put his own adherents in their places.

He then set out from Mexico on October 10 for Jalapa and Vera Cruz, to open the fair and to publish his visitation of the *cajas reales* of the seaport. With him he took Francisco del Real, whom he had decided to have appointed collector of tobacco and chief of the revenue guard. Real was also intrusted with construction of royal warehouses in the *villas* (Córdova and Orizaba). His appointment was later confirmed by the junta and by Esquilache.[37]

During the time that Gálvez was absent from Mexico, from October 10 to the end of January, 1766, the adherents of the leases which Gálvez had opposed (Cruíllas and Espinosa) influenced the deputies of the *consulado* of Cadiz to withdraw their offer to advance more money for the monopoly, as they had solemnly promised in session with Gálvez to do. The visitor learned this fact from the deputies in Jalapa; he succeeded, however, in obtaining funds from residents of Mexico and Vera Cruz to the amount of over 600,000 pesos, which he used in financing the monopoly. In Jalapa he also purchased a large quantity of cigarette paper, with the purpose of securing to real hacienda the added profit which would result from selling tobacco in the manufactured form. In his absence from Mexico the junta was able under various pretexts to delay the beginning of this enterprise, the real reason for the delay being that the project contemplated prohibiting all but regular tobacconists from engaging in sale of cigars and cigarettes, as a preliminary to closing out all private traffic whatsoever.

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[37] Gálvez, *Informe General*, 31–32. The office of inspector was continued until 1790, when Revillagigedo suspended it, saving 4000 pesos of salary by so doing (*Instrucción Reservada*, art. 1110).

Late in January Gálvez returned to Mexico from Vera Cruz, where he had experienced difficulties with Cruíllas over affairs of his visitation to which reference will be made in subsequent pages. In the meantime the junta had held ten meetings and two general *bandos* had been published. One of these, dated November 12, announced that power to try cases of fraud against the monopoly was granted to the court of *La Acordada;* another, of November 19, ordered the *alcaldes mayores* to render statements of sums which they had advanced for tobacco collected, that they might be reimbursed. Meetings of the junta left the record that public revolts which had occurred in Puebla had been due to the establishment of a cigarette factory there by Gálvez, whereas the real motive of the disturbance was a census taken by Cruíllas' orders for the purpose of enlisting militia. Attempts had also been made by the junta to embarrass and discredit Armona in his care of the funds as *contador*.

The presence of Gálvez in the January and February meetings put a damper on opposition; he obtained approval of his appointment of Real, of the measures he had taken establishing cigar and cigarette factories in a number of the royal warehouses, and of the prohibition to merchants not tobacconists to engage in sale of the commodity. But the opposition of the recalcitrant junta had by this time come to the attention of Esquilache, and he ordered it abolished by an order dated February 25, 1766. From the date of receipt of this order in May until August, when Croix became the new viceroy, Gálvez acted as subdelegate superintendent of the tobacco monopoly, without interference.[38]

5. *Later history of the monopoly.*—It will be expedient to digress here from consideration of the relations between Gálvez and Cruíllas to follow to its conclusion the account of the tobacco monopoly during the time of Gálvez' visitation. A new tobacco junta was formed by Croix immediately upon his in-

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[38] Gálvez, *Informe General,* 33–66.

duction into office. It included in its membership the fiscal of the audiencia, Juan Antonio Velarde, who bent his energies to defeating the measures which Gálvez had adopted. The manufacture of cigars and cigarettes in the government factories was stopped, as a favor to private manufacturers, and private sale of those commodities was permitted to all merchants. The new viceroy, however, listened to an opinion presented by Gálvez, the new *contador,* Hierro, and Simón Huarte; on the strength of this opinion, Croix was persuaded in May, 1767, to suspend the action of the junta which had reversed Gálvez. The King, on October 14, 1767, approved the action of the viceroy, and ordered obedience to the *bando* of March 17, 1767, which contained the provisions of Gálvez' policy. The junta was by the same order (of October 14) deprived of administrative functions and reduced to cognizance of litigation concerning the new monopoly. The King reiterated his preference for administration instead of lease, and advised Croix that Espinosa should be removed if he persisted in advocating leases, or at the discretion of the viceroy.

The measures of Croix were now directed to securing the ends which Gálvez recommended. By repeated orders, private manufacture and sale of tobacco were limited to those who had no other means of livelihood, and a government factory was put into operation in Mexico by Echeveste in 1769. It proved highly profitable from the outset. By 1771 over 6000 persons of both sexes were employed in it and the profit to the government from its operation was about fifty per cent.[39] A very important result was that employment was thus given to a large number of poor men and women who had previously caused serious police problems in the metropolis. In August, 1770, the operatives in the factory established a voluntary relief fund from a payment of half a real every week. This fund they used to clothe and care for their poor and their sick, and to pay burial expenses of deceased operatives. This enterprise Gálvez ardently recommended to the protection of Bucarely, successor to Croix in the viceroyalty. In Puebla, Orizaba, and Oaxaca manufacture of cigars and cigarettes was at that time giving employment to about 6000 more persons, most of whom had previously been without regular work.

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[39] Gálvez, *Informe General,* 36–38.

The junta formed by Croix in 1766 reduced the selling price of tobacco in the leaf to six reals per pound in Mexico, Puebla, and Oaxaca; to six and a half reals in Valladolid and Guadalajara; to seven reals in Durango, except Chihuahua, where it was seven and a half reals. In the provinces of Sinaloa, Sonora, New Mexico, Texas, and Nuevo Santander and in California, where Gálvez established the monopoly when he was on the peninsula in 1768, the price was fixed at twelve reals.[40]

The excessively high purchase prices granted to the planters of Orizaba and Córdova by their first contracts with Espinosa were reduced in 1766 by Gálvez to about 22,000 pesos below the 400,000 odd pesos which they had received in 1765. The planters protested against the decrease, as their contracts had been made for a term of three years, but Croix, acting on the advice of Gálvez, denied their protest, and enjoined upon the planters perpetual silence in the matter. The King approved the viceroy's decision by royal order of June 22, 1768.[41]

The organization of the monopoly was materially affected, as has been shown, by the order of October 24, 1767, which deprived the tobacco junta of administrative powers, and vested them in the viceroy, in conformity with his control over other revenues. Early in 1768 Gálvez and Croix drew up an *Instrucción* containing ordinances and forms of judicial procedure for the government and direction of the monopoly; these were approved by the king on October 22 of the same year. Tobacco was dispensed throughout the viceroyalty from stores controlled by administrators of the revenue. Soldiers on the frontier were supplied by the captains of the presidios. The guards who protected the monopoly were also charged with protection of the customhouses, the powder and the playing-card monopolies. The funds of the revenue were cared for by the *contaduría* of the tobacco monopoly and not by the *tribunal de cuentas.* An administrator, a *contador,* and a treasurer were given charge of the *contaduría.*

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[40] Gálvez, *Informe General*, 39–42.

[41] *Ibid.*, 43.

In his *Informe General,* frequently cited in this chapter, Gálvez recommended to Bucarely the development of government manufacture of cigars and cigarettes and the gradual extinction of all manufacture by private persons by the device of selling leaf tobacco at the same price as the manufactured product. As a protection against scant crops in bad years, and consequent light revenue, surplus raw material should be bought and stored, that it might be used in case of need to keep the revenue from fluctuating. Annual purchase of considerable quantities of tobacco from Louisiana was urged by the visitor, as much to assist the former French colony as to insure a steady supply for the factories of New Spain. For a number of years tobacco was bought in Louisiana, but decay of the leaf and losses in transportation led to the discontinuance of the importation in 1792.[42] Gálvez also recommended that, until the intendancies could be established, the factors of the various administrative offices of the revenue should serve as judges in suits concerning it, as did the administrators of other customs and duties, without prejudice to the trial of frauds and smuggling cases in first instance by the *justicias ordinarias.* The latter were to remit such cases with the court records to the factors for adjudication, in accord with the provisions of the above-mentioned *Instrucción* of February 5, 1768; the sentences imposed by the factors should be open to appeal to the tobacco junta before execution by order of the viceroy. An assessor and fiscal of the revenue should be appointed in each of the capitals, Mexico and Guadalajara.

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[42] Maniau, *Compendio, 3a parte,* 19.

For cognizance of cases to be heard in ultimate recourse the junta should be continued, as ordered by royal cédula of May 26, 1766. For this junta Gálvez thought the three *oidores* of the audiencia who then composed it sufficient. The proceeds of the revenue were sent direct to Spain, except 100,000 pesos used to buy tobacco in Havana.[43]

The establishment of the monopoly was most efficacious in producing increase of revenue. For the first two years the profit amounted to 239,097 pesos; in 1767 it was 417,732 pesos; by 1773 it amounted to nearly a million and a quarter pesos, and by 1798 it was over four and a half millions. From 1765 to 1809 the total profit was 117,482,551 pesos, exclusive of the *alcabala* of 1,589,987 pesos which the monopoly paid into the general fund of the viceroyalty on sales during the period from 1774 to 1809. Up until the last-named year, counting from 1774, the sales of tobacco by the government produced a gross income of 242,561,296 pesos; salaries and commissions consumed 26,751,390 pesos; labor cost 41,428,120 pesos; costs of transportation and paper used amounted to about 20,000,000 pesos; the actual tobacco purchased cost only about 34,000,000 pesos. The monopoly was continued by the Mexican government after independence, with returns large at first, but gradually diminishing, until by 1843 the income was practically nothing.[44]

In spite of the great productivity of the tobacco monopoly in revenues, the Spanish government was constrained in 1789, on account of the clamor raised by those against whom the system discriminated, to request Revillagigedo to report whether it would be feasible to abolish the monopoly without prejudice to the crown income. With all his economic acumen, the viceroy felt impelled to report that no safe plan suggested itself.[45] The clamor was, he thought, due to a few malcontents, rather than to a general desire. If any other duty could have been devised which would have produced nearly equal revenue it would have been most desirable, as the tobacco monopoly was especially expensive to operate, with its multitude of employees and officers.[46]

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[43] Gálvez, *Informe General*, 54.

[44] Robert Crichton Wyllie, *Mexico. Noticia sobre su Hacienda Pública bajo el Gobierno Español y después de la Independencia* (Mexico, 1845), 22.

Not even the exceptional success of the tobacco monopoly won for it praise from Alexander von Humboldt. The huge income derived he characterized as "accruing even under this system of restraint." He firmly believed that free commerce in this, as in most of the other monopolized industries, would have produced greater economic wealth, and hence greater revenue-producing power. At the time of the writing of the *Political Essay* tobacco production was limited to the environs of Orizaba and Córdova and to the *partidos* of Huatusco and Zongolica, that is, to a territory of four or five square leagues' area. The *guardas de tabaco* made it their care to pull up all tobacco planted outside this favored area and to fine all who produced the plant for their own use. The monopoly necessarily destroyed the tobacco industry in the Guadalajara *partidos* of Autlán, Etzatlán, Ahuacotlán, Tepic, Sentipac, and Acaponeta, resulting in decrease of population there.[47]

6. *Clashes with Cruíllas.*—Now to return to the narration of the events which characterized the official intercourse of Gálvez and Cruíllas during the year which they spent together in New Spain. In addition to the faculties granted by his instructions and by the laws of the Indies, the visitor possessed powers as an intendant of the army.[48] His possession of this military rank

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[45] Revillagigedo, *Instrucción Reservada,* arts. 1172–5.

[46] *Ibid.*

[47] *Political Essay,* III, 39–40.

[48] The order conferring this position upon him has not been brought to light by the present investigation. D. E. Smith says, without citation of authority, that "the great Gálvez himself was an intendant in the royal army before he entered upon his career as the reforming statesman of

brought into the viceroyalty a third officer with powers likely to conflict with those of Cruíllas as captain-general and those of Villalba as *comandante general de las armas.* The latter two had, as has been seen, reached an *impasse* over questions of competency of authority. It was with special pleasure, according to Gálvez, that the people of New Spain welcomed him in his capacity as intendant, for it was felt that he would be able as such to curb the arbitrary power of the viceroy.

> They desire [he wrote] that they may have established here the mild government of the provinces of Spain, in which power is divided between military chiefs of affairs of economy and police, and those of the tribunals of justice, who restrain one another through the justifiable emulation of each in his own department, so that the King is served with precision, and his subjects are protected from mistreatment without recourse at the hands of a single chief.[49]

Plainly, Gálvez was from the first predisposed to the affirmative solution of the question of the establishment of intendancies in New Spain,[50] and quite as plainly he intended to exercise his functions as a military intendant, though there were no provisions in the laws of the land which afforded him an opportunity of so doing. Aside from attendance upon military juntas, he did this during the incumbency of Cruíllas merely in small ways, but independently, and with the result that the official dignity of the viceroy was thereby deeply offended. Trouble began very soon, too, over the right claimed by Cruíllas to judicial review

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New Spain'' (p. 106). It is plain from numerous contemporary references to his possession of the title that it was conferred at the time of his appointment as visitor and for the purpose of giving him opportunity to test the practicability of establishing intendancies in New Spain. In the order by Esquilache cited above, mention is made of the fact that Gálvez possessed the title of intendant, and Gálvez himself, writing to Arriaga under date of October 15, 1765, said that he had entered the viceroyalty with the powers of that office. Elsewhere he makes the statement that he was not a military man. See below, pp. 238, 290.

[49] Gálvez to Arriaga, Puebla, October 15, 1765, 88-5-20.

[50] *Instrucción reservada,* March 14, 1765, translated in Appendix (art. XXXI).

of the cases arising under the visitation of the *cajas reales.* The viceroy also denied that Gálvez had authority to appoint employees to positions from which he had removed incumbents for cause.[51] By the time the December mail was ready to go to Spain Gálvez had prepared documents to show that Cruíllas was embarrassing him in every way. The viceroy had countermanded orders given by Gálvez to the governor of Vera Cruz regarding sale of smuggled goods, and had demanded the written records of procedure (*autos*) of the visitation made by Gálvez' subdelegate at the Laguna de Términos in the matter of French and English smugglers taken. The viceroy had publicly endeavored to impede the visitation, construing the visitor's measures as affronts to his authority. He demanded, quite properly, to be shown the instructions which had been given to Gálvez by the Council of the Indies, and he turned over to the fiscal of the audiencia the *Instrucción reservada* which Arriaga had given to Gálvez, with certain cédulas and transcripts (*testimonios*) of the visitation, requesting the fiscal (as has been already noticed) to render an opinion as to the powers of the visitor, and his observance of his instructions. Gálvez held that such a course was absurd. To attempt to regulate the procedure of an independent visitor by submitting his official acts to the scrutiny of a fiscal—an inferior officer, himself subject to the process of the visitation—was as irregular as it would be to submit to him the secret instructions whereby he was to be judged.[52]

Several official acts had been performed by the visitor subsequent to his departure from Mexico in October—and consequently without prior consultation with the viceroy—which Gálvez thought might have caused Cruíllas to feel resentment. When he went to Jalapa Gálvez found that the muleteers carrying goods from the fair to interior towns could not enter their merchandise in the custom-houses on holidays because they were closed on such occasions, while the towns were only slightly guarded by revenue officers. Hence it was quite possible on holidays to dispose of merchandise without entering it in the custom-houses, and thus to evade the *alcabala* duty. Gálvez therefore ordered that the custom-houses should remain open to receive goods on holidays, and that the muleteers should return receipts given at the custom-houses (*tornaguías*) to show that their goods had been delivered lawfully. These measures however, Cruíllas approved as soon as he was informed of them.

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[51] Gálvez to Arriaga, Jalapa, November 18, 1765, 88-5-21; this letter states that delay was already caused to the business of the visitation by the interference of Cruíllas.

[52] Gálvez to Arriaga, Vera Cruz, December 20, 1765, 88-5-20.

Not long afterward Gálvez received a letter from the *mariscal de campo* Juan Fernando de Palacios, who was at Puebla organizing militia, stating that the *ayuntamiento* had unexpectedly voted to dispose of 15,000 pesos then in the municipal treasury so that this money could not be used to provide uniforms for the militia, as had been ordered by the viceroy. Gálvez, acting under his instructions to visit and regulate the funds of municipalities,[53] at once wrote to the governor and the *ayuntamiento* that they must keep the money for the purchase of uniforms, as they would thus avoid a new tax such as had been levied in other places. He was obeyed.[54]

It was also brought to the attention of Gálvez that two members of the *ayuntamiento* of Oaxaca had undertaken to oppose the establishment of a tobacco factory, and were inciting women of the lower class to go about the streets shouting opposition to the tobacco monopoly. The *corregidor* of Oaxaca, Tomás de la Serrada, happened to be in Jalapa with Gálvez; in agreement with the *corregidor*, Gálvez sent word to the *ayuntamiento* of Oaxaca to restrain the two recalcitrant *regidores*, which was done. "And it appears to me," he wrote, "that in this a minister, who has been given by the King jurisdiction over all the towns and courts of this realm has not exceeded his powers."[55]

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[53] *Instrucción reservada*, art. XXX, Appendix.

[54] Palacios to Gálvez, Puebla, October 17, 1765; Gálvez to the Cuidad de Puebla, October 19, 1765; in *Expediente de cartas cruzadas entre . . . Gálvez y . . . Cruíllas*, 88–5–20.

Whatever may have been the attitude of the viceroy concerning these independent acts of Gálvez, it is certain that in other instances he was deeply offended. One case of disagreement occurred under the following circumstances: The commissaries of the court of *La Acordada* seized and brought before Gálvez, under orders from their chief, a thief who had stolen two mules and a sum of money from his employer. Gálvez sentenced the thief to four years' forced labor on the fortifications of San Juan de Ulloa. To this procedure Cruíllas took exception by reprimanding the governor of Vera Cruz for having received the prisoner, and by taking the treasury officials to task for having given the culprit the rations due to him as an exile. The viceroy had the prisoner removed from San Juan de Ulloa and placed in the municipal jail at Vera Cruz, and called upon Gálvez to submit to him the records of the case for review, a request with which the visitor declined to comply.

A more serious clash between Gálvez and Cruíllas was incidental to the visitation of the Laguna de Términos. The difficulty occurred while Gálvez was at Vera Cruz, where he published and began his visitation on December 2, 1765.[56] Notice has already been taken of the fact that Gálvez sent a subdelegate to the Laguna de Términos without consulting the viceroy, and that the latter took exception to the act of Gálvez in sending thither the "Jasón". The subdelegate found at the Laguna an English frigate, the "Nancy," and a French sloop, the "Triton," engaged in smuggling dyewood. He seized these vessels, and sent the "Nancy" to Gálvez at Vera Cruz with the prisoners taken, the *autos* of their cases, and the cargo of dyewood seized.

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[55] Gálvez to Arriaga, Vera Cruz, December 20, 1765, 88-5-20.

[56] Gálvez to Cruíllas, Vera Cruz, December 4, 1765, 88-5-20.

The cargo of the French sloop and the accompanying papers he sent to Gálvez on a Spanish vessel. Gálvez declared the "Nancy" and the two cargoes contraband,[57] and ordered the governor of Vera Cruz to sell them. Cruíllas ordered the governor not to permit the execution of Gálvez' orders, as he considered that the visitor was exceeding his authority in attempting to dispose of contraband. The viceroy also demanded that Gálvez send him either the original records or the transcripts of the smuggling cases. This Gálvez refused to do, alleging that the viceroy was prohibited from interfering with the judicial processes of the visitation, or even with those of the governor and treasury officials, upon whom the visitor looked as mere *jueces ordinarios.*

Still another detail of the Laguna affair caused friction. Gálvez called upon Villalba to send a sergeant and eleven soldiers from Vera Cruz to the Presidio del Carmen on the Laguna to serve as a guard against smugglers. Although Gálvez had previously informed the viceroy that in case he needed military assistance he would always apply to the *comandante general,* that officer in this case provided the detachment without consulting Cruíllas at all. For having obeyed the request of the *comandante,* the governor of Vera Cruz, Felix Ferraz, was sharply reprimanded by the viceroy, who was ignorant of the transaction until after the departure of the soldiers from Vera Cruz.[58] As chief military authority of the viceroyalty, Cruíllas insisted that no detachments of troops could be moved without his express authorization.[59] Although the complaint of the viceroy was against Villalba rather than against Gálvez, the latter took exception to the interference of the viceroy as being obstructive of his work.

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[57] Gálvez to Arriaga, Vera Cruz, October 27, 1765, 88-5-21.

[58] Cruíllas to Ferraz, Mexico, November 3, 1765, 88-5-21.

[59] Cruíllas to Gálvez, Mexico, November 20, 1765, 88-5-20.

In the course of the investigation of affairs at the Laguna de Términos Gálvez became convinced that the governor of the presidio, the captain, Bernardo Montero, and the paymaster, Salvador González, had all been guilty of complicity in the smuggling cases above alluded to. He therefore removed them and appointed other officers in their stead. This action was also disputed by Cruíllas as an excess of authority.[60]

Gálvez demanded of Cruíllas, in view of all these clashes, to know categorically whether Cruíllas was determined to impede his visitation and to prevent him from participating as intendant in the economic affairs of the army; a categorical answer was essential, that he might know whither to direct his activities until such time as "the King may decide whether it is his supreme will that I should be dependent upon yours, in which case you will see that no one will obey you with more exactitude than I."[61]

The viceroy replied that he had no desire to impede Gálvez in the use of any of his proper functions, either as visitor or as intendant; the orders which he had given contrary to those of Gálvez concerned only matters in which he conceived that the latter had no authority. If such authority was conferred by any secret instructions which Gálvez might hold, and of which Cruíllas had been denied cognizance, he could not be blamed for opposing it unknowingly. As to the conflict of judicial authority, he had submitted the question to the fiscal and would rely on that official to give him such legal advice that he might safely be guided by it.[62]

Gálvez insisted that his was the highest judicial authority in the viceroyalty, and that the fiscal was not qualified to pass upon its competency, as he had not seen, nor would he ever be shown, the secret instructions from the Council of the Indies.[63] Reporting this situation to Arriaga, Gálvez wrote that he had little confidence in the assurance of Cruíllas that he did not intend to impede the visitation, "in spite of what he says in his letter of the 11th instant, for this gentleman is never consistent, and is thus not embarrassed by failing to perform what he promises either by word of mouth or in writing."[64] The viceroy, wrote Gálvez, was determined to render the visitation unavailing, turning the people against the visitor by asserting that he had come to impose grievous taxes upon them, and spreading other false rumors by emissaries hired for the purpose. There was nothing left for Gálvez to do under the circumstances but return to Mexico, leaving the visitation of Vera Cruz in charge of a subdelegate. In Mexico something might be done to remedy the situation; at least he could occupy his attention in quelling disturbances which were then afflicting several of the cities, especially Puebla, where riots were occurring in connection with the enlistment of militia. Gálvez prayed that the King would take measures to prevent the repetition of such embarrassments as those to which he had just been subjected. Otherwise, he begged to be allowed to give up the visitation as a useless errand and return to Spain.[65] He did return to Mexico about the end of January, leaving the visitation of Vera Cruz for the time being, and engaging himself with arrangements for placing the *alcabala* and other revenues under administration,[66] pending a reply to his request from the King.

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[60] Gálvez to Arriaga, Jalapa, November 18, 1765, 88-5-20.

[61] Gálvez to Cruíllas, Vera Cruz, December 4, 1765, 88-5-20.

[62] Cruillas to Gálvez, Mexico, December 11, 1765, 88-5-20.

[63] Gálvez to Cruíllas, Vera Cruz, December 18, 1765, 88-5-20.

The fiscal of the audiencia, Juan Antonio Velarde, upheld the viceroy in the details of his conflict with Gálvez as to jurisdiction in cases involving contraband and appointment of officers. But Gálvez swept the fiscal aside, saying that as visitor he could be responsible to none but the King and the Council of the Indies.[67]

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[64] Gálvez to Arriaga, Vera Cruz, December 20, 1765, 88-5-20.

[65] Gálvez to Arriaga, Vera Cruz, December 20, 1765; same to same, Vera Cruz, January 8, 1766, 88-5-20 and 88-5-21.

[66] Gálvez, *Informe General*, 101.

[67] Gálvez to Cruíllas, Vera Cruz, January 1, 1766, 88-5-21.

Cruíllas felt most keenly the refusal of Gálvez to concur with him in his claim to sole right to appoint officers at the Laguna de Términos in place of the smugglers removed, and decided to refrain from assisting the visitor in his commission until he should yield this point. He ordered Villalba to refuse Gálvez military aid in publishing his visitation. Villalba was loath to obey, but Gálvez determined to proceed without military escorts, which were more for pomp than necessity. When the viceroy was apprised of the intention of Gálvez to publish his visitation by going to the various cities in person with only his attendants, and nailing up his notices with his own hands, he yielded the point.[68]

The viceroy represented his side of the situation to Arriaga on May 14, 1766. His complaint was that Gálvez, before going to Vera Cruz, had requested the fiscal to take no action in cases involving real hacienda until he, Gálvez, should return to Mexico and examine them. This action caused needless delay to the adjustment of the *alcabala* and the gunpowder revenues. The act of Gálvez in appointing *ad interim* officers to replace those whom he had removed at the Laguna, without consulting Cruíllas, was another sore point, in which Cruíllas finally came off with a barren victory, it being decided during the term of his successor that such appointments should be made by the viceroy, the particular incident being closed by the recommendation of Croix that the appointees of Gálvez should be confirmed.[69]

Arriaga approved the action of Gálvez in bringing the Laguna smugglers to trial and ordered him to proceed with their prosecution, foreigners and Spaniards alike. At the same time he wrote that there was no reason why Gálvez should not show

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[68] Cruíllas to Villalba, Mexico, February 24, 26, 1766; Villalba to Esquilache, Mexico, March 23, 1766; Gálvez to Arriaga, Mexico, September 27, 1766, 88-5-21.

[69] Cruíllas to Arriaga, Mexico, May 14, 1766; Arriaga to Croix, San Lorenzo, November 21, 1766, 88-5-21.

Cruíllas his instructions from the Council of the Indies. That body, never friendly to Gálvez, insisted that the latter had no jurisdiction in smuggling cases; he retained the papers concerning the trials, however, and refused to communicate them to the viceroy.

7. *A new viceroy selected.*—While these petty bickerings were occupying the energies of the King's personal representatives in New Spain, slow progress toward the adjustment of the situation was being made at Madrid. As early as October 28, 1765, the King hurriedly summoned to his court the Marqués de Croix, and upon his arrival there tendered to him appointment as viceroy of New Spain. Croix[70] had accepted at some time before December 20. He did not reach Cadiz until March 4, where he found that the "Dragón," on which he was to sail, would not be ready for a month at least. He finally left Spain

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[70] Charles-François de Croix was born at Lille in 1702, and died at the age of 85 years on October 28, 1786. He was the son of Alexander-François de Croix and Madeleine-Françoise de Fiennes. The family had many members who, being Flemings, had rendered conspicuous service to the thrones of France, Spain, and Austria. On September 28, 1726, Croix was made colonel of the Walloon Guards, and became a lieutenant-general on October 14, 1745. Holding successively the governorships of Ceuta, Andalusia, and Galicia, he was next named viceroy of New Spain in the fall of 1765. Charles III said of him: "I know his disinterestedness, zeal, and application . . . he is a good officer, I shall never forget him, and I shall make use of him." In order to appoint Croix it was necessary, since he was a Fleming, to abrogate the law of the land, which prohibited bestowing viceroyalties upon any but Spaniards born—Croix was the first foreigner to receive such an appointment. Writing on November 18, 1765, a personal letter to his brother, in which he speaks of the urgency with which the king had pressed the appointment upon him, he added, "malgre ce grand honneur, je ne marche que malgre moi, car la besogne est terrible et me fait peur d'avance." At that time he expected to embark for New Spain in the following February.

It is evident that the recall of Cruíllas was determined upon suddenly and after receipt of news which could not have left New Spain later than the September mail. If this assumption is correct, the decision must have followed news of the first disagreement between Gálvez and Cruíllas, in August, 1765. On the other hand, Cruíllas had served since his public entry into Mexico in October, 1760, and was logically due for retirement at any time (Croix, *Correspondance*, preface, p. ix, x, 185–87).

May 3, and reached Vera Cruz July 18, 1766, a year to a day later than the arrival of Gálvez.[71]

While Croix was still at Cadiz he received on April 8 an order from the King dated March 31, directing Gálvez to serve as *juez de residencia* in closing the official term of Cruíllas, but on April 14 this order was countermanded, as his Majesty had determined to choose another judge for that purpose, feeling, no doubt, that the experiences of Gálvez in New Spain had disqualified him for impartial conduct of such an inquiry.[72] It was not until late in June that the judge who actually conducted the *residencia* was decided upon. The magistrate chosen was Domingo de Arangoyti, fiscal of the audiencia of Guadalajara,[73] and not Areche, fiscal of the audiencia of Mexico, as has been erroneously stated by Bancroft.[74]

Croix left Vera Cruz for the capital on August 11, and received command of the viceroyalty from Cruíllas at Otumba on August 23. On the next day he took his oath of office before the audiencia of Mexico.[75] In September he received the royal cédula of June 25 naming Arangoyti *juez de residencia* for his predecessor, and communicated it to the Guadalajara fiscal. The charges to be preferred against Cruíllas were sent by Arriaga to the Council of the Indies on July 18, 1766, to be despatched to Mexico by the first mail.[76]

8. *Residencia of Cruíllas.*—Strange as it may seem, none of the difficulties between Cruíllas and Gálvez, or between Cruíllas

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[71] *Correspondance*, 195–99.

[72] Arriaga to Croix, Madrid, April 14, 1766; Croix to Arriaga, Cadiz, April 8, 22, 1766; 90-2-19.

[73] Arriaga to Croix, Aranjuez, June 26, 1766; the king to Arangoyti, Aranjuez, June 25, 1766; Arangoyti to Arriaga, Mexico, May 15, 1767; 90-2-19.

[74] *History of Mexico*, III, 368.

[75] *Correspondance*, 201.

[76] Arriaga to Tomás del Mello, San Lorenzo, July 18, 1766; Croix to Arriaga, Mexico, September 24, 1766; 90-2-19.

and Villalba, were made subjects of investigation in the viceroy's *residencia*. Arangoyti listened to the testimony of seventy witnesses, who were examined in a formal interrogatory of forty-six questions such as were prescribed by law for the conduct of the process. Ten public charges were brought, and one secret one, which were serious in themselves, but the strictness of the *residencia* was manifested in the refusal to allow Cruíllas to depart the viceroyalty until it was concluded. Though this was the legal provision, it had not been recently adhered to; Croix did not undergo his *residencia* until two years after his return to Spain, and the expenses of the trial were then borne by the royal treasury. At the time of the *residencia* of Cruíllas his *auditores de guerra*, secretaries, assessors, attachés, and servants all underwent the same official scrutiny, as was the custom.

The first charge brought against Cruíllas was that he had not always retained the same person as his assessor, but had sought advice from various members of the audiencia as occasion presented.[77] Second, he had denied appeal to certain litigants before him in affairs of real hacienda. Third, he had made his nephew, Fernando Monserrat, *castellano* (keeper of the castle, a position in which he had control of the galleon importation duties) of Acapulco, and to certain of his servants he had given state employments. Fourth, he had drawn on the royal funds for the traveling expenses of persons whom he had named for special commissions. Fifth, he had drawn large sums for supplies for Pensacola, for New Orleans, and for vessels of war. Sixth, his drafts on the royal treasury had made it impossible to accumulate the surplus of 2,000,000 pesos in the mint as the King had commanded should be done. Seventh, he had illegally borrowed from the funds of deceased persons (*bienes de difuntos*). Eighth, he had not in 1765 paid the 250,435-peso *situado* of the twelve presidios of the interior provinces, having on hand less than half the amount. Ninth, he had suspended payments allowed by the crown to certain Bethlehemite, Franciscan, and Capuchin friars, on account of the same insufficiency of funds. Tenth and last, he had kept in his own office public documents emitted by the secretariats of the government and had charged fees for their use, whereas free access should have been conceded to those who needed them.

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[77] Croix followed Cruíllas' example in this respect (*Correspondance*, 284).

Arangoyti began the *residencia* in November, 1766, Cruíllas having remained in private life near Vera Cruz during his wait, notwithstanding his repeated requests to be allowed to return to Spain.[78] The fiscal, submitting the *autos* of the *residencia* to the Council of the Indies on May 15, 1767, reported that he had on April 27 completed the process, finding the viceroy blameless in all matters of real hacienda and of justice. The only feature of his administration in which there was suspicion of irregularity was in the matter of dispensing employments for compensation. This was a fault, said Arangoyti, to which the viceroys were prone, but no proof could be established, owing to the private and unrecorded nature of the transactions, neither party to which could gain by disclosures. The charge concerning which most open rumor had busied itself was that Cruíllas had been guilty of peculation during the expenditures for military defense against the British in 1762. This charge was completely refuted by vouchers which Cruíllas submitted in evidence of his expenditures.[79]

The secret investigation (*pesquisa*) of Cruíllas and his fiscal, Velarde, was conducted during July, 1766. It concerned the incident of the arrival at Vera Cruz in 1763 of three British vessels, which Cruíllas permitted to remain in the port and to sell 70,000 pesos' worth of merchandise, contrary to law. Worse, he had, upon the advice of Velarde, allowed this commerce free of duty. Arangoyti's finding in this matter was that Cruíllas had but followed the advice of Velarde; he therefore exculpated Cruíllas and recommended that Velarde be reprimanded. The Council of the Indies found, however, that whatever irregularity might have been committed, circumstances following war scarcity excused purchase of needed goods from the late enemy, whom it was most essential to treat with courtesy. The whole case was therefore closed with Cruíllas vindicated officially in every particular by the final decision of the Council on February 6, 1768. The King complimented him on his victory, saying that he had always believed that such would be the outcome of the *residencia.*[80]

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[78] Croix to Arriaga, No. 30, Mexico, November 6, 1766; Arriaga to Cruíllas, Madrid, January 13, and Aranjuez, April 14, 1766; 90-2-19.

[79] Chap. III, note 100. Rumor was not easily killed by an official investigation: "La marquise de Cruxillas, femme du Vice-Roi, à son arrivée à Madrid, disait comme chose toute simple qu'elle avait rapporté pour elle dans son *bolsillo* 600,000 piastres, c'est-à-dire 3 millions de livres; jugez par là ce qu'a eu son mari" (Extrait de diverses lettres, *Correspondance*, 206).

Charles III had succeeded in getting rid of an unfortunate situation in his principal colony without unduly humiliating any one. When Cruíllas left New Spain he was accompanied by Villalba. Thus was removed a possible source of friction in military affairs which then demanded particular attention. The King was finding that the Spanish theory of government, whereby officials were pitted against each other in order that emulation might bring increased efficiency, was working too well, as it usually did when a viceroy was pitted against an aggressive visitor-general. Gálvez with all his legal acumen, with all his backing at court, and only a moderately capable viceroy to contend with, but already harassed by the military activities of Villalba, was not able to break through the trammels of the intricate administrative system and effect reform of permanent value with the certitude demanded by the situation. The method adhered to by the crown, of intervening in the smallest details of colonial government, which required the closest intimacy with local conditions, was enough in itself to make readjustment of administration painfully tedious. When to this was added the fact that the measures contemplated by Gálvez struck directly at the monopolies of colonial enterprises and commerce, which had their chief citadel in the Council of the Indies, it is clear that Charles III took the only available course when he decided upon the recall of Villalba and Cruíllas.[81]

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[80] Council of the Indies, *Sentencias dictadas en la residencia de Cruíllas,* February 6, 1768, 90-2-19. Arriaga to Cruíllas, Palacio, March 15, 1768, 90-2-19.

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[81] Joaquín Monserrat y Cruilles (Cruíllas) was born at Valencia on August 27, 1700, of an old military family. As soon as he reached the age for field service he entered the regiment of Reales Guardias Españoles de Infantería. Within a year he was promoted to the rank of ensign (*alféres*), and served his first campaign quelling insurrections in Vizcaya. In the War of the Spanish Succession Cruíllas was present at the capitulation of Fuenterrabia, June 18, 1719. In that year he became second lieutenant. In 1720 he followed the campaign in Navarre. In 1721, in the campaign against the Moors of Ceuta, he took part in four general actions, at the end of the year being promoted to a lieutenancy.

In 1727, during the five months' siege of Gibraltar, he served as first lieutenant of the Coronela company, the rank in that organization being equivalent to that of a captain or commander of a company.

When in 1733 Frederick Augustus, king of Poland and elector of Saxony, died, Cruíllas sailed with the fleet of twenty ships of the line which carried 16,000 men under the Marqués de Montemar to Genoa. In the following year he was actively engaged in the campaign which resulted in the conquest of Sicily, and continued with Montemar in the ensuing campaign in Lombardy. He was made captain of guards in January, 1741.

In 1745, in the battle of Campo Santo against the Austrians, he was made a brigadier. With this rank he fought in the campaigns which secured to the Infante Philip the ducal crown of Milan, and was present in the later disastrous campaigns under General Gages and the Marqués de la Mina.

For his services in the Italian campaigns Cruíllas was granted *encomiendas* in the military order of Montesa, in which he became a claviger. On March 21, 1735, he was made Marqués de Cruilles by the King of Naples, later Charles III of Spain.

In 1751, after thirty-three years of active military service, he was made military and political governor of Badajoz, retaining his rank as captain of guards. He served as governor until the end of February, 1754. On the succeeding March 12 he was promoted to the rank of *sargento mayor de guardias*.

On February 23, 1754, he had been nominated commandant general *ad interim* of Aragon. Later he was confirmed in proprietary tenure of the office, and served in it six years.

Charles III, called to the throne of Spain, arrived at Madrid December 9, 1759, and in the following May he named Cruíllas viceroy of New Spain. The cédula of Charles appointing Cruíllas viceroy speaks of the latter's

Assurance of prospective harmony in New Spain lay in the character of the new viceroy. Writers who discuss the Marqués de Croix rarely fail to mention his devotion to discipline, or to recall his custom of referring to the King as "my master." Devotion to explicit command was the Fleming's chief pride. Croix said himself of his mission to America:

> This minister [Gálvez] complained to the King that he was not able to fulfill his commission because he did not find in my predecessor the aid and support which he expected; this complaint was the cause of his Majesty's saying to me upon my departure that I should endeavor to aid Gálvez in the affairs with which he was intrusted. Again, as I was

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title of *mariscal de campo* and of the seal with which, as *teniente coronel* of the Spanish Infantry Guards, he had discharged his duties as commandant general of the kingdom of Aragon; it was accompanied by another like instrument permitting the new viceroy to appoint at will twelve officers of the government of New Spain.

Cruíllas embarked for his New World post on the "Santiago," commanded by Don Carlos Reggio, on June 29, 1760. While on the voyage he was promoted to the rank of lieutenant-general. He took command of the viceroyalty on October 4, 1760.

Effective peaceful administration was hampered by the menace of an attack upon Vera Cruz by the English, before whom Havana fell in 1762. Cruíllas vigorously prepared for the defense. Sixty-six companies of infantry and fifty-nine of cavalry, totaling 8258 men, were enlisted and organized; a large hospital service was prepared and equipped. Cannon, mortars, armament, and uniforms were manufactured; over twenty million pesos were expended in preparation for the invasion, and satisfactorily accounted for afterward.

The preparation proved merely precautionary. On February 23, 1763, the British frigate "Trent," Captain John Lindsay, arrived at Vera Cruz with news from Havana that peace negotiations were under way. The frigate was accompanied by the brigantine "Sally" and the packet "Keppell," both bearing merchandise for sale to the Mexicans; with such forehanded thrift did the English follow their war-won advantage. The viceroy's permission to land and sell the merchandise, and the consequences to him and to the fiscal, Velarde, have been mentioned in the body of the text.

Cruíllas, in spite of the disparagement of Gálvez and his friends, was no doubt an efficient viceroy in comparison with many others of the series. He was sometimes dilatory in execution of orders; his conspicuous error of judgment in opposing the activities of Gálvez was temperamental, the fruit of long years of military service in positions which gave him the habit of expecting instant acquiescence with his wishes.

Having returned to Madrid at the end of his *residencia*, he remained at the capital to await the issue of that process. On February 6, 1768, he was exonerated of all charges brought against him, the Council of the Indies declaring that he had "punctually discharged all the obligations embarking, Arriaga repeated to me the same injunction, saying that it was the desire of the King that I should maintain harmonious relations with the visitor, aiding him in his tasks. I endeavored, as was my obligation, to comply in this particular with the precepts of the King, giving the visitor such assistance as I could for putting into execution the measures he has taken for the establishment and better government of the revenues.[82]

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of his high office without the least shadow of blame, in a degree . . . corresponding to the confidence with which the King had imposed them upon him . . . and was worthy . . . to be honored with still greater employments, honors, and preferments.''

His residence at Madrid was terminated in March, 1771, when he received permission to repair to his natal city of Valencia, where he died after a brief illness on November 21, 1771, in the very room in which he had been born. His remains were buried in the family vaults in the Convento del Socorro, outside the walls of Valencia. In 1872, because of the destruction of the convent by fire, the body of the former viceroy was removed to the church of the village of Patraix (*Biografía del Exmo Sr Teniente General Don Joaquín Monserrat y Cruilles*, Valencia, 1880, *passim*).

[82] Croix, *Instrucción que . . . dejó*, 88-5-13. ''Le Vice-Roi, conservant un obeissance passive aux ordres du Roi qu'il appelait son maitre, aida avec efficacité Don José de Gálvez dans l'importante mission qui lui avaient confiée les ministres de Charles III; mais il ne faut pas croire qu'il ne fut qu'un aveugle instrument du Visitador, et il sut remplir dignement la mission que son gouvernement lui avait confiée'' (*Correspondance*, 253, taken from M. Rivera, *Los Gobernantes de Mexico*, II, 407–421).

''The general visitation of Gálvez was very minute and profitable, but it is just to confess that its results would not have been so excellent without the patriotic zeal, irreproachable integrity, high intelligence, and great efficiency of . . . Croix . . . of whom a foreign historian asserts that, upon leaving the command, instead of great riches, he brought to his country the admiration and applause of a grateful people, whom he made happy during his government'' (Ferrer del Río, *Historia del Reinado de Carlos III*, I, 459–60, quoting W. Robertson, *The History of America*, London, 1777, Book 8, pp. 433–4).

CHAPTER V

CUSTOMS REFORMS AT VERA CRUZ

It would be impossible to give, within proper limits, adequate attention to the processes of the visitation in each of the chief cities of the viceroyalty. The officials of real hacienda, suffice it to say for them generally, were made to give strict accounts of their stewardships. Many of them were removed under charges preferred by Gálvez and his subdelegates; all who remained were compelled by fear of consequences to conduct their offices to the increased advantage of the crown. But to follow their fortunes would be merely to recount the issue of so many trials for corrupt practices in office, whereas the most important phase of the visitation was the constructive reform introduced in the cities where were situated the chief custom-houses, viz., Vera Cruz, Mexico, and Acapulco. In these cities the measures of Gálvez were of distinct significance as being typical of those elsewhere taken, and were at the same time general in their effects upon fiscal affairs. In the present chapter the reforms at Vera Cruz and Mexico will be studied; those at Acapulco will be noticed in succeeding pages.

By his instructions of March 14, 1765, Gálvez was charged to ascertain what methods of collecting duties were in force at Vera Cruz, whether *guías* (itemized certificates of lading and destination) were given by the customs officials with all merchandise to be shipped inland, and whether such goods were stamped with the royal arms (*si se marchamaban*), so that any unmarked goods could be seized as contraband. Specific directions were also given the visitor as to his duties in inspecting the importations by the merchant fleet and by the single registered vessels, the formalities differing in the two cases. If existing regulations sufficed to protect crown interests, they were to be unchanged, but if administration was inefficient such new regulations as were deemed wise were to be recommended by Gálvez to the viceroy, who was to give them the force of law pending royal approval.[1]

The visitation showed that the practices in customs collections at Vera Cruz had been lax and corrupt for years. The custom-house was such merely in name; the *marchamo* was not known in it, nor were other necessary precautions taken against smuggling. On the contrary, the treasury officials were found to have been engaged in systematic robbery and connivance with merchants who wished to avoid payment of duties. The books of the subtreasury were in great disorder, sums that should have been found on deposit were missing; in a word, it was patent that nothing short of complete reorganization would effect the purpose of the visitation. A plan for such reorganization was issued by decree of the visitor on February 11, 1767. It was entitled *Instruccion provisional para el arreglo en la administracion y manejo de las rentas y derechos de su Majestad en la Nueva Ciudad de Vera Cruz.*[2]

The salient features of the new plan provided: that customs duties should be taken under crown administration as fast as existing contracts for lease should expire; the *marchamo* was to be affixed to all goods shipped inland; vouchers or waybills (*guías*) were to be sent with all shipments, and receipts of delivery (*tornaguías*) were to be returned to the custom-house, as precautions against smuggling. To remove the temptation to make false oaths, merchants were to pay the *alcabala* collected at Vera Cruz upon entry instead of upon reshipment to the interior or to Spain. The rate was reduced from six to four per cent. The import duty on brandy, reduced from four to three pesos per barrel, was likewise to be collected at entry instead of upon reshipment. The reason for this change was that, under existing rules, the *alcabala* was avoided by the merchants on goods shipped inland under pretense that these were to be consumed in Vera Cruz, where no *alcabala* was assessed on local sales to the inhabitants. In actuality, then, the change effected a four per cent rise in the import duties, though it would have effected a reduction of one-third if previous practice had been to observe the customs laws.

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[1] *Instrucción reservada*, arts. II–IX, XXXII, Appendix; for a notice of the commerce at Vera Cruz see Burke, *An Account of the European Settlements in America*, 176–179.

[2] "Provisional instruction for reform in the administration and management of the rents and duties of his Majesty in the New City of Vera Cruz." This document is printed in Gálvez, *Informe General*, 359–411, and in Fonseca and Urrutia, *Historia General de Real Hacienda*, IV, 614–661.

This provisional plan was put into operation before the completion of the legal processes which had been brought against the officials of the treasury and custom-house of Vera Cruz as the result of investigations begun by Cruíllas in 1762, and had been continued by the subdelegates of Gálvez during 1766. When charges were preferred against the officials they were suspended from their positions, and new ones suggested by Gálvez were appointed. These officials were intrusted with the initiation of the new plan. As a preliminary to the reorganization, a proclamation was issued on March 16, 1767, commanding all merchants in Vera Cruz to appear in person at the custom-house and make sworn statements of all goods on hand. If they wished, they might pay three per cent to satisfy the *alcabala* on all goods on hand on which they had not paid the six per cent *alcabala* required by the previously existing system, under the provisions of which they had been permitted to take goods out of the custom-house, paying no *alcabala* on what they sold in Vera Cruz, but six per cent on any goods shipped inland. Under that system it had been the usage to accept the sworn statements of merchants as to what goods were sold for consumption in Vera Cruz and what were shipped inland; the result was that fraud was committed by pretense that much merchandise actually shipped to the interior was consumed at the port. Under the new proclamation, goods upon which three per cent had been paid might then be shipped to any interior point without any further payment. If the payment of three per cent was not made before April 1, upon which date the new system was to go into effect, all goods existing on hand would later be assessed at the rate of four per cent.

The merchants of Vera Cruz took immediate issue with the plan of Gálvez. On March 30 they sent a petition (*escrito*) to the *consulado* of Mexico, asking that body to make representation of their case before the viceroy. They alleged that the new system (which provided for collection of the *alcabala* at entry of goods instead of upon their sale) was contrary to law, as the *alcabala* was a duty presupposing for its collection the actual sale of goods, and was not to be collected twice on the same sale. Two collections would happen if the tax were paid upon entry of goods not sold but trans-shipped to a destination in the interior for first sale, where the *alcabala* would again be collected at six per cent. Neither did they think that it was just that the new system, which was really modeled upon that in use in Mexico, should be employed at Vera Cruz; for while the *alcabala* was collected at Mexico upon entry, the reason was that goods received there were for presumptive sale. But when goods came into Mexico consigned to other interior custom-houses they paid no *alcabala*, being subjected to the impost only at their destination.

The *consulado*, in presenting the petition of the Vera Cruz merchants to the viceroy on May 16, approved their prayer to be freed from the *alcabala* on goods at entry and added, by way of argument, that in other principal custom-houses, as at Puebla and Oaxaca, goods sent thither in transit were left at the custom-house until it suited the owners to remove them; and no *alcabala* was collected on goods thence reshipped to other points. At Vera Cruz, on the other hand, goods could not be left in the custom-house, as the volume of trade was too great to be accommodated, but had to be stored by the merchants until ready to be reshipped to the interior.[3]

To the petition of the *consulado* Croix and Gálvez made reply that the *Instruccion* provided that duty should not be paid on goods in bona fide transit, but on all goods actually resold for shipment at Vera Cruz.[4] As the administrator of revenues, Pedro Antonio Cosío, continued to collect the *alcabala* on all goods, irrespective of destination, and in spite of explicit orders not to collect it on goods in transit, the *consulado* appealed their case to Arriaga.[5] That minister referred the matter to the *contador general,* Tomás Ortiz de Landazuri, and to the Council of the Indies. The *contador* urgently proposed that the measures of Gálvez should be disapproved, and that the commercial regulations of New Spain should be returned to the status existing before those measures had been taken. The Council on February 10, 1768, concurred in the opinion of the *contador*. Gálvez and Croix were then called upon by the king to defend their action. The consideration of the projected reform continued for a period of three years, during which an appalling heap of official documents was piled up. The final stage was reached when, on March 3, 1769, the entire evidence in the case was referred to the civil and criminal fiscals of the Council of Castile.

The fiscals of Castile at that time were Pedro Rodríguez Campomanes and José Moñino, men who were already prominent in Spain, who had been active in the expulsion of the Jesuits in 1767, and who later occupied higher posts in the administrative system of Charles III. Campomanes, distinguished author and economist, became governor of the Council of Castile, and Moñino, better known as Count Floridablanca, was first minister of state during the brightest period of the reign of Charles III. With these two was associated, for the purpose of rendering a decision in the Vera Cruz reforms, Pedro de León y Escandón; after a long illness which delayed the decision, León died before the report was completed, and the two fiscals made their investigation and rendered their opinion without other help, on April 20, 1771.[6]

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[3] *Consulado* of Mexico to the viceroy, Mexico, May 16, 1767, 88-5-25.

[4] Gálvez to Croix, Mexico, May 22; Gálvez to Arriaga, Mexico, May 27, 1767; 88-5-25.

[5] *Consulado* to Arriaga, Mexico, May 27, 1767, 88-5-25.

This *Informe* is the most important documentary source extant for the subject under consideration. It considers the objections raised by the commercial interests, whose stronghold was the Council of the Indies, to the reforms of Gálvez, and affirms the utility of these reforms *in toto.* We might content ourselves with a bare statement of the changes produced by this vindication of Gálvez were it not for the fact that the detailed study sheds interesting light upon the struggle which was necessary to obtain the administrative and commercial betterment which Charles III desired for his people and which Gálvez was commissioned to secure for New Spain. How firmly the spirit of commercial privilege, conservatism, even dishonesty, clung to its opposition to the economic enlightenment of the ministry of Charles is objectively demonstrated in the type of complaints made by the Council of the Indies.

That body made three categorical objections to the *Instruccion provisional,* and two to other measures affecting the commerce of New Spain but not included in the *Instruccion.* The objections to the *Instruccion* were: (1) that the *guía, tornaguía,* and the *marchamo* were unnecessary and illegal trammels upon commerce, and that by imposing them Gálvez had exceeded and ignored his specific instructions; (2) that the collection of the

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[6] *Informe de los señores Campomanes y Moñino sobre el nuevo método para la administración de real hacienda y otros puntos, que estableció el visitador, Don José de Gálvez,* MS, 88-5-25.

alcabala at the time of entry instead of at the time of the sale of goods was unwarranted by law and unjust to the commercial interests; (3) that the union of collection of duties in the customhouse was confusing to the accounts of the treasury, that powers given to the governor of Vera Cruz to intervene as judge-protector (*juez conservador*) in the affairs of the treasury were illegal, and that other details of administration were vexatious and unnecessary. Opposition to the other measures proposed for Vera Cruz declared (4) that permission to export European goods from Vera Cruz to Campeche, Yucatán, and the Windward Islands was unlawful and injurious to commerce; and (5) that reduction of the wine and flour duties at Vera Cruz, which had been used to maintain the fortifications at San Juan de Ulloa, was harmful to commerce and without legal sanction. Submitting the above contentions on February 10, 1768, the Council of the Indies prayed that the measures of Gálvez be set aside, and that commerce be restored to its status before the visitor had intervened in it. In the remainder of this chapter the five objections above will be considered *seriatim*, with the rebuttal offered by the fiscals of Castile, in the form and order of their *Informe*.

1. *Objections to the guía, tornaguía, and marchamo.*—The first complaint, directed against the acts of Gálvez, was confined to his measures for Vera Cruz and Mexico, though there were hints of trouble from the same causes at Oaxaca and Guadalajara. The merchants protested that the *guía* required them to show their bills of goods setting forth the contents, prices, and marks of all packages to be shipped before they could receive a permit to import. This was a troublesome and illegal innovation, said the *consulado* of Mexico. But Gálvez showed in his representation[7] that the *consulado* itself did the identical thing at the time of the Jalapa fairs for the purpose of collecting

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[7] Gálvez to Arriaga, Mexico, May 27, 1767, 88-5-25.

the one-sixth per cent *avería* which the King allowed for the support of their organization. At the fair begun October 21, 1765, which Gálvez had attended officially, the bills of lading presented to the deputies of the *consulado* for the *avería*, when contrasted with the books of the custom-house at Mexico, showed that *avería* had been paid to the *consulado* on goods which had escaped the *alcabala* due the crown to the amount of 25,967 pesos during the first two months only of the fair. The same kind of evasion had doubtless continued during the remainder of the fair, as the investigations of the visitation were tending to prove. It would thus appear that the requirement of bills of lading in detail was essential to prevent fraud to the treasury. But the requirement was not an innovation in the regulations of the government, at least in theory, for in 1758 the viceroy Amarillas had been ordered to administer the *alcabala* at Vera Cruz on the same basis as that in vogue at Mexico, where bills of lading were required, and Cruíllas in 1761 had intrusted to Domingo Trespalacios the formation of ordinances for Vera Cruz which contained the same provision concerning bills of lading as were required by Gálvez. The ordinances at that time formed had not, however, been rigorously enforced.

The second complaint of illegality made by the *consulado* was against the *tornaguía* required of merchants shipping to the interior from Mexico. The *tornaguía* was an acknowledgment from the recipient that the goods mentioned in the *guía* had been delivered at the declared destination; it was required that it be returned within a reasonable time, barring accidents. The *consulado* claimed that no such requirement had been exacted since the days of the Conquest, and that it was even contrary to the ordinances issued by Revillagigedo in 1753, which had required the *tornaguía* of the muleteers who transported the goods, but not of the merchants who received them. The merchants of Mexico generally sold their wares in the interior on credit, and it was therefore subjecting them to a double risk to demand that they should be held responsible for *tornaguías* from their correspondents on goods transported by the means of unknown and unreliable muleteers. Even to require the *tornaguías* of the muleteers was an imposition, as they could not always find guarantors to sign the documents for them. To this plea the answer of Gálvez was that such a receipt was essential to prevent smuggling.[8] For otherwise there was nothing to hinder the delivery of goods in the interior direct to purchasers without passing them through the interior custom-houses or without having them assessed at their true value. The *consulado* of Mexico had itself experienced the same difficulty when it had leased the *alcabala* of Mexico, and as early as 1735 had required certificates of delivery from the muleteers who carried goods inland.

The third complaint of illegality made by the *consulado* was against the requirement of the *marchamo,* or stamp of the royal arms, on packages to be imported to the interior. The merchants particularly desired that this regulation be relaxed on goods shipped from one interior custom-house to another. But Gálvez showed that this was just where the greatest fraud was committed, as foreign goods (dutiable) were often transported under color of local goods (non-dutiable) for the sake of avoiding duties. The command of the King was that all goods imported by single ships should have the *marchamo* affixed,[9] but Gálvez had modified the regulation, simply requiring the mark on the packages and not on the contents thereof; beyond that he could not relieve the merchants of the royal requirement. How essential were the restrictions which he had placed upon commerce he attempted to show by recounting the results of his investigations. These proved that it had been the continuous practice to avoid duties at Mexico through connivance with the treasury officials.

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[8] See below, p. 200, and note 38.

[9] See above, p. 172.

Fraud was so rampant in the usual avenues of business that Gálvez asserted that he had only found two merchants in Vera Cruz who were guiltless of it; in Mexico and Puebla he doubted if he would find as many as four who were blameless.[10]

The prevalence of "graft" in the custom-house of Mexico was shown by the charges brought by Gálvez on November 12, 1766. Francisco Guitián, the appraiser, who was a son-in-law of the superintendent of the custom-house, had connived during October with merchants who took seventy barrels of brandy out of the custom-house, representing that they were to be shipped to Querétaro, whereas they were in fact consumed in Mexico. In this and similar frauds Guitián was assisted by the guard Labado, and both had shared in the money paid by the merchants for collusion in the deception. In 1765, when Gálvez had hardly begun his visitation, many scores of barrels of liquors, boxes of merchandise, etc., were taken out of the custom-house and consumed in Mexico without paying duty, the method of defrauding being to emit false letters of destination and to alter the records of the books.

The effort of the visitor to check such wholesale malfeasance in office had produced, said the *contador* Landazuri, conditions worse than those for which remedy was sought.

> The damage and havoc which are being wrought in the viceroyalty of New Spain by the innovations mentioned, and by the measures taken for the direction, collection, and management of the royal revenues, are already so apparent and real that they are notorious. . . . I have recently received letters from the officials of the treasury who are men of authority . . . and of intelligent character in New Spain, as well as from others of impartial mind . . . which inform me that owing to the new change and the confusion of the government and the management of the royal exchequer, with the abolition of the old method and the failure to observe the laws under the new, the coinage of money has greatly decreased; the mines have fallen off in production by one-third, and commerce is suffering a similar setback from the imposition of a four per cent increase in the

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[10] Gálvez to Arriaga, Mexico, May 27, 1767, 88-5-25.

duties at Vera Cruz under the name of the *alcabala*, with great increase of red tape in its collection, the innovation reducing business to a most decadent and miserable condition.[11]

Landazuri could not or would not give the names of his informants; nor would the *consulado* of Mexico, the *consulado* of Cadiz, which joined in the general protest, nor the Council of the Indies, cite their authorities for the above statements, in which they all concurred. The fiscals of Castile therefore thought that these vague accusations were unworthy of consideration. No more worthy was the statement of the superintendent of the mint at Mexico that coinage there had dropped 170,000 pesos during the first half of 1767, for no further statement of any such decline in business had been made by that officer up to the date of the *Informe* by the fiscals, April 20, 1771.[12]

Another interesting point brought up by Landazuri was warmly denied by the fiscals of Castile. This was the charge that the viceroy, Croix, had fallen completely under the influence and control of Gálvez, even to the extent of copying his material, order, and style in his representations and reports. Moñino and Campomanes found, for instance, that in Croix's letter of May 25, 1767, written with his own hand, he had confined himself to recommending the rectitude and good intentions of the visitor, stating that the measures of Gálvez were taken with his approbation after conference, and that hatred for Gálvez was felt only by those who had reason to fear his justice.[13] On the other hand, they found that the letter of Gálvez dated the 27th of the same month was very diffuse, answering all complaints of the *consulado* in detail, there being little similarity of style or content between the two letters.[14] It is undeniable, however, that the practice of Croix was to conform in spirit with the wishes of Gálvez, and many of his letters, not cited by the fiscals, show that the point raised by Landazuri was not without foundation. Indeed, it was because of this characteristic that he was chosen as viceroy to succeed Cruillas.[15]

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[11] Tomás Ortiz de Landazuri, *Informe*, Madrid, December 22, 1767, 88-5-25.

[12] It is shown in Chapter X of this work that there was no appreciable decline in the coinage at this period.

[13] Croix to Arriaga, May 25, 1767, 88-5-25.

[14] Gálvez to Arriaga, May 27, 1767, 88-5-25.

Other complaints from merchants of Mexico and Cadiz were in the form of objections to the *Instruccion provisional* of February 11, 1767, which they characterized as causing unnecessary and illegal changes in methods of administration at Vera Cruz. A copy of this *Instruccion* Gálvez sent to Madrid on February 27, 1767, after he had paid two distinct visits to Vera Cruz for the investigation of conditions there. He had received, as has elsewhere been stated, the record of the investigation made by Cruillas beginning in 1762, and he had acquired from his own dependents sufficient information to warrant him in suspending the factor of the *cajas reales,* the proprietary treasurer, that officer's lieutenant (who was also his son), the notary, and the accountants. Gálvez also determined to establish an efficient custom-house, in which should be administered by treasury officials all the branches of the public rents which were not leased out under contracts not yet expired.

The *consulta* of the Council of the Indies of February 10, 1768, recommending that the *Instruccion* should be annulled was based upon the statement by Landazuri[16] that he found in the plan of Gálvez no actually expressed violations of the fundamental laws, but that his measures were all directed to the complete transformation of the administration of real hacienda in New Spain and its reorganization according to the system in force in the Peninsula.[17] To this end Gálvez had seized upon the disorders and frauds discovered at Vera Cruz as offering an excuse for which there was no adequate justification for abolishing the old system. The principal irregularity in the *cajas reales* was a deficit of 15,000 pesos, which might have been due, thought Landazuri, to any one of a possible number of legitimate advances of funds. If it were due to other reasons the proper course would have been for Gálvez to discharge those who were guilty. But if the trouble were due to the nature of the regulations in force, the officers should not have been suspended nor made to bear the blame for the effect of regulations which they could not change.

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[15] ''Mon oncle [Croix] est craint et aimé du peu d'honnetes gens de ce pays; il y a près de lui un visiteur général, envoyé par le Roi pour surveiller la conduite de tous ceux employés dans ce pays, sauf le Vice-Roi, qu'il doit consulter avant de rien decider. C'est un honnete homme, habile, et qui s'entend bien avec mon oncle, car ils sont hommes de bien tous deux et bons serviteurs de leur maitre'' (Teodoro de Croix, letter, Acapulco, January 17, 1766, *Correspondance,* 204; cf. A. Cavo, *Los Tres Siglos de México,* 314.

[16] *Informe,* October 16, 1767, 88–5–25.

The attempt of Landazuri to explain away the evidences of corruption among the officials at Vera Cruz was decidedly lame, as we shall see. Gálvez had been obliged to arrest the factor, Felipe Plácido Bravo, because he had made away with the day-books in which were kept the accounts of the duties collected on brandy, indigo, and vanilla—funds in which scandalous malversation had been previously detected. The investigations by the viceroy Cruíllas, begun in 1762, concerning brandy shipments inland during the years 1759, 1760, and 1761, showed that there had been notable loss of duty payments during that time. In 1759 the number of barrels which escaped duty was 5041; the duty at four pesos per barrel would have been 20,164 pesos. In 1760 the loss was 41,836 pesos, and in 1761 it was 17,758 pesos. Thus in three years alone the frauds in the brandy tariff amounted to 79,758 pesos. This loss was estimated by making a comparison between the *guías* and *cartas de envío* (waybills) of the *consulado* and the books of the treasury officials. The investigation attempting to fix the personal responsibility for these frauds was still in process when Gálvez arrived for his visitation in 1765.[18]

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[17] Campomanes and Moñino, *Informe*, art. 61.

[18] *Ibid.*, art. 81.

The disclosure of this condition led Gálvez to make investigations covering the period 1745–1765; from these it was shown that in all probability 79,667 barrels of brandy had escaped duty, entailing a loss to real hacienda of 318,669 pesos during the twenty years. The evidence was confused, however, by the remarkable fact that in the years 1745, 1756, and 1758 there had been duty paid on a greater number of barrels than had been accounted for by the *guias* of the *consulado.* Discounting the amount of loss by 58,376 pesos, which represented the discrepancy in the accounts of the above three years, it still appeared that the loss to the treasury was over 260,000 pesos. Landazuri attempted to account for the disappearance of so many thousand barrels of brandy by suggesting that they must have been consumed in Vera Cruz, and hence would not show on the books at Mexico; but Campomanes and Moñino thought it more likely that the brandy had really left Vera Cruz without reaching Mexico, or had been entered at the latter custom-house as wine, in order to enjoy the lower tariff conceded to that article. It would have been quite possible, by either method, to have cheated the customs at Mexico without having left any record of fraud at Vera Cruz.

The books of the treasury officials showed that suspicious corrections and erasures had frequently been made; some of the entries were proved to have been falsified by comparing them with the books of the merchants concerned. It also appeared from the testimony taken in the hearings of the treasury officials that still other losses in the branches of the wine, cochineal, indigo, and vanilla revenues had deprived the treasury of at least 71,000 pesos during the twenty years from 1745 to 1765. One witness, who had been employed in the treasury at Vera Cruz since 1749, testified that he estimated the frauds at 9000 pesos per annum. Much of this sum was used by the treasury officials to pay their unsalaried assistants. The fund kept for that purpose was colloquially known as the *cochino de Vera Cruz*—"the Vera Cruz *pig*."

The trials of the treasury officials disclosed the fact that they had established a system of illegal levies upon the commerce of the port for their own benefit. Every ship from Caracas or Maracaibo made a present of one hundred pounds of cacao to each official, and two hundred pounds to the governor. Every ship from Spain gave each official a barrel of wine, twenty-five pounds of olive oil, and a quantity of provisions, such as raisins, almonds, cheese, codfish, olives, capers, and the like. Every ship from Campeche gave two hundred pounds of salt to each official, to the governor, the notary, and the officer of the guard; to each of six subordinate guards fifty pounds of salt were given, and from two hundred to six hundred pounds were contributed to the "pig". Oftentimes a money contribution was made in lieu of these gifts.

In addition, every ship from Caracas, Maracaibo, Santo Domingo, or Havana had to pay eighty-four pesos four reals; sixty pesos were for the treasury officials, and the remainder went to the officer of the guard. Every vessel from Campeche had to pay forty-four pesos, which were similarly divided, and nine pesos for the "pig". Nine pesos were charged every vessel for clearance papers, the same amount for every accounting of the half annats paid by the crew, four reals for registry of the cargo, four pesos for the declaration of the master, four reals for licenses to trade in the Windward Islands, ten pesos for certificates to muleteers who brought goods to Vera Cruz on the King's account, four pesos for every certificate of money paid in or out of the treasury, etc.[19]

The accused officials also confessed that upon the arrival of the merchant fleets or single ships, every morning and afternoon while the cargoes were being discharged they were given in the hall of the accounting house an abundant refreshment of wines, brandies, and light foods. The allegations of failures to collect duties and of accepting bribes were too numerous to recount. The legal practice of making allowance on liquors for leakage in transit across the ocean had also been abused; one witness of the visitation declared that he had seen leakage (*merma*) allowed at one-tenth (the legal rate), at one-eighth, or one-ninth, or even upon occasion at one-third, the variations depending upon what kind of an understanding the customs officers had with the importers.[20] Delay in paying duties from one year to another, or even for longer periods, had become so prevalent that one of the customs guards, who came to be called the collector (*cobrador*), was especially detailed for the collection of delinquent customs accounts.[21] Whether measures to correct these conditions were necessary or not may safely be left to the reader to decide. The legality of the means adopted was affirmed by the fiscals of Castile, as will appear later.

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[19] Campomanes and Moñino, art. 144.

2. *Objections to the new duties at Vera Cruz.*—Issue was raised by the *consulado* of Mexico as to the legality of the order to collect the *alcabala* on cargoes of single ships at entry instead of at sale of goods, as had previously been done. The Council of the Indies and Landazuri objected to the new method because the *alcabala* was in effect made an added import duty of four, and, after April 1, 1768, of three per cent. To levy such a duty was in contravention of the *Real Proyecto* of April 18, 1720, wherein it was provided that duties on exports and imports were all to be paid at Cadiz, and no import or export duties should be levied in the ports of America.[22] Furthermore, the laws of the Indies provided[23] that no duty should be levied in American ports without a cédula of the king commanding it. The idea that the new

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[20] Campomanes and Moñino, art. 186.

[21] *Ibid.*, art. 190.

[22] See above, p. 24.

[23] *Recopilación*, ley 41, tít. 15, lib. 8.

alcabala at Vera Cruz was an added import duty was supported by the definitions of the laws of Castile and of the Indies, which designated the *alcabala* as a duty payable upon the sale of goods. The Vera Cruz *alcabala* was later distinguished from the interior *alcabala* under the designation *alcabala de mar*.

Croix defended the new levy at Vera Cruz by showing that the collection of the *alcabala* at entry of goods had been established by law for the ports of Cartagena and Porto Bello; hence it was unlikely that a royal cédula would be needed to extend the regulation to another American port. Especially was this true when it was remembered that goods sold within the limits of Vera Cruz paid but the one *alcabala*, and that at entry alone. Goods would of course pay another *alcabala* on second sale, but this would not occur if they were sent in bona fide transit only, and not for sale before reshipment.[24]

Furthermore, it was objected by the *contaduría de Indias* and the *consulado* of Cadiz that the duty was collected on goods in transit, in spite of the decree of Gálvez to the contrary. The administrator at Vera Cruz not only collected the duty but refused to give receipts for amounts paid, or other memoranda whereby the merchants could make appeal to the courts for reimbursement.[25] Gálvez, in a decree dated October 22, 1767, directed that the merchants of Spain should be notified that goods to be sent through Vera Cruz for sale in the interior would have to be accompanied by sworn statements to that effect made at the time of shipment from Spain. It was perhaps due to the necessary lapse of time before this order could be known and obeyed that attempts were made to pass goods through without vouchers of proper origin. The *Informe* of the fiscals of Castile mentions no complaints on this score other than those which were made by the merchants of New Spain when Cosío first took his position at Vera Cruz—at which time goods sent in or out of the viceroyalty had to pay the new *alcabala* regardless of whether they were sold at Vera Cruz or not. The fiscals recommended that goods should not have to pay the duty if they were merely in transit. It is of course patent that the habitual method of avoiding the *alcabala* at Vera Cruz was to pretend that goods were in transit to consignees when they were actually sold in that port, as most of the goods shipped through were. How admirably adapted the *alcabala* was for the discouragement of honesty is apparent throughout each step of the controversy, as is the fact that if it was to be collected at all the most efficient method was that chosen by Gálvez—a plan which virtually added the *alcabala* to the other maritime duties, and made of it an import duty instead of a mere impost on sales.

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[24] Croix to Arriaga, Mexico, September 28, 1768, 88-5-25.

[25] *Consulado* of Mexico to the viceroy, October 26, 1767, 88-5-25.

Still another objection to the new system was aimed at the method whereby it was to be inaugurated. Articles 101 and 102 of the *Instruccion provisional* provided that the Vera Cruz merchants were to render sworn statements of goods on hand at the end of March, 1767, and pay four per cent on these, at their own valuation. If they did not do so, they would later have to pay six per cent. The *bando* published by Cosío modified this regulation in favor of the merchants by making the rate three per cent if paid in advance of the installation of the new system and allowing import to the interior of all goods which had satisfied the duty, without further charges. Though this was the earliest objection by the merchants of Vera Cruz, raised in the spring of 1767, the fiscals of Castile had no information in the spring of 1771 as to whether the merchants had availed themselves of the lower rate, or had been obliged later to pay the higher one.[26]

How determined was Landazuri's opposition to the plan of Gálvez is shown by the fact that he even attacked the legality of the reduction of the *alcabala* from six to four per cent, in spite of the benefit this would bring to those honest merchants he was supposedly defending. Gálvez and Croix replied that the collectors of customs at Vera Cruz had habitually effected such a reduction by appraising imports at two-thirds their value. This was shown to be the case by the visitation of the seaport. The officials there justified the practice by saying that if they had not done so the goods would have been sent through on consignment and the treasury would have received nothing. In view of the circumstances, Gálvez had thought best to make a virtue of necessity by legalizing the actual practice.

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[26] Campomanes and Moñino, art. 251.

The fiscals of the Council of the Indies raised objections to article 108 of the *Instruccion provisional,* which provided that a six per cent *alcabala* should be collected on goods shipped out of Vera Cruz to other American ports. This, they said, was unjust to shippers, as it increased the cost of selling goods. They also objected to articles 118 and 121, which provided that the produce of ecclesiastical estates which had been purchased or leased (i.e., which were not part of the original ecclesiastical dotation) should be subject to the *alcabala* upon sale. This measure was directed against excessive importation of cacao by churchmen under pretense that the lands upon which the cacao was raised were a part of the original estates of the bodies from which they purchased.

By article 8 of a concordat celebrated in 1737 between the crown of Spain and the Holy See it was provided that ecclesiastical communities (*las manos muertas*) should not acquire, without submission of the case to the royal tribunals, other property than that of their original foundations. This article of the concordat was not, however, extended to the Indies nor observed in them. The action of Gálvez in obliging the ecclesiastical bodies to pay *alcabala* on produce of their lands acquired later than the original foundation was in accord with the provisions of Trespalacios for the administration of the *alcabala* in Mexico in 1758, and it was later upheld by royal decree of December 29, 1780. The regulation provided also that private estates of ecclesiastics should be governed by the same principle. Under the Vera Cruz regulations initiated by Gálvez, all churchmen were required also to make sworn statements of all their importations for personal or religious use, and if the importations were excessive in amount they were obliged to pay *alcabala* on the excess.[27]

It is evident from the tone of the *Instruccion provisional* that Gálvez found a thrifty trade carried on by the clergy under color of their ecclesiastical immunity from taxation. He wrote repeatedly of the difficulty he experienced in obliging these people to fulfill their obligations to the royal treasury.[28]

The fiscals of the Indies also noted that article 123 of the *Instruccion provisional* commanded collection of the *alcabala* from Indians on goods sold in the regular channels of business, whereas the laws of the Indies specified that the natives should pay no *alcabala* on the fruits of their labors. The fiscals of Castile replied that the collection of *alcabala* from Indians on their sales of European and Asiatic goods had already been ordered by the ordinances of Mexico by Trespalacios. Such a regulation was necessary to prevent the business of the interior from being placed to an appreciable extent in the hands of Indians, in order to avoid the *alcabala*. It was especially recommended by Gálvez that in collecting the *alcabala* no extortion should be practiced on the Indians, as they were the special objects of compassion.

The fiscals of Castile found unequivocal ground for expressing the opinion that the methods of preventing smuggling adopted by Gálvez were not to be justly characterized as innovations (*novedades*), a term of reproach which their opponents applied to them. They were rather to be called substantial, reasonable precautions, supplanting prior useless regulations. That this was a fact might be seen by contrasting the method introduced by Gálvez with the earlier usage. Under that usage, goods sent inland from Vera Cruz under a waybill or manifest (*carta de envío,* the plan so highly lauded by the merchants) had to go through five preliminary steps. First, they were inspected by a commissary of *guías* employed by the *consulado* of Mexico to collect the *alcabala* at Vera Cruz. That officer then gave the *guía,* noting the fact in the manifest. The goods were then taken before the treasury officials, in case any other duty was collectable, who affixed their certificate that such duty had been paid. Then the administrator or the lessee, as the case might be, of the *alcabala* at Vera Cruz, had to collect that duty and certify to the collection. The *avería* had then to be collected, and, finally, the guards at the exit of the custom-house had to make their inspection, and in certain cases collect the *portazgo* or *almirantazgo* (import duty). These formalities, if they were observed, took place in five or six different offices. If, as was often the case, they were not observed at all, then they were useless formalities.

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[27] Article 143 of the ordinance of the intendants, 1786, embodied the same principles, which were tested in a case in 1792, upon the occasion of the sale by the convent of Jesús María in Mexico of a house which it had bought in 1727. In 1801 the superior junta of real hacienda voted an *acuerdo* which declared that the *alcabala* should be collected on this sale (Rodriguez de San Miguel, *Pandectas Hispano-Megicanas*, III, No. 5349).

[28] See below, p. 352.

In contrast, the Gálvez method reduced all these requirements to a single operation conducted within the walls of the custom-house at the time the goods entered, saving time and labor, and actually conserving the interests of the treasury.

3. *Objections to administrative changes by Gálvez.*—It is now worth while to examine the organization of the local administration of real hacienda established by Gálvez. The objections of the Council of the Indies to this organization were based on the conception that the union of all branches of real hacienda in the custom-house was illegal, as it caused confusion of the accounts of the several branches, and divided the responsibility of the treasury officials.[29]

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[29] Campomanes and Moñino, arts. 63–64.

Under the old system of administration provided by the laws of the Indies, the officers of a subtreasury (*caja real*) were three—the factor, the accountant, and the treasurer. Under the Gálvez regulations they were the same, except that the factor was called an administrator, the change being in name only. Under both systems these officers were reciprocally responsible for the entire management of the subtreasury, and had in each case to give the same bonds. In conjunction with the governor of Vera Cruz, the officials of that port were ordered to open all letters and dispatches, to hold a meeting once each week with the governor, and keep formal minutes of all business transacted. The officers who were in charge at Vera Cruz prior to the visitation of Gálvez confessed that they had neglected to observe the requirements in these respects. Although they were charged with joint responsibility, each officer had individual duties which were prescribed by law. Under the new regulations these responsibilities were specified with great minuteness. The Council of the Indies objected to the manner in which these functions had been distributed, and also to the fact that the treasury officials had been given administration not only of the *alcabala* but of several other branches of the revenues. Conservatory jurisdiction over the royal rents had been confided to the governor, and he had been given a small additional salary for this work. Distribution of fines for smuggling had been made by fourth-part shares, instead of third-part shares, as previously. Also, an additional number of customs guards had been provided, occasioning increased expense in salaries.

The point was raised that Gálvez had committed to the administrator the accounting for all funds of the treasury, and that to him was conceded all the authority concerning collections, contrary to the law, which provided that this authority should be shared by all the officials. The objectors failed to see that this function, like that of the care of property, provision and nomination of guards, payment of salaries and other incidental expenses, was not granted to the administrator independently, but in conjunction with the treasurer and the accountant; the governor himself even had the faculty of intervening in all these affairs. Thus the administrator had to attend to collections and remind debtors of their obligations, but payments of sums due had to be made to the treasurer, with the intervention of the accountant. So also in paying out money all three officers had a share in the responsibility. Each one had to keep a separate account book, in addition to the general one, and each one had to be present when funds were taken out or put into the coffers (*cajas*).[30] They were required in their weekly meetings to remind each other of any points of procedure which needed calling to attention. They were all obliged to sign the monthly balance-sheet which was sent to the superintendent of real hacienda (the viceroy), showing the exact state of each fund according to their books. This duty compelled them to have reciprocal knowledge of all business transacted.[31]

A nicer point was raised against the new power conceded to the administrator to disburse funds for ordinary expenses without the concurrence of the other officials. The laws of the Indies obliged all of them to be present, whether there were four, three, or two officials, and each of them was to keep a separate account of all transactions. It was the requirement that the strong box had to be kept in the *casa real,* in which the senior officer must reside. Rigidly construed, the prescribed procedure necessitated daily and even hourly attendance of all the officials and the notary; this would have interfered seriously with their proper functions, particularly at so busy a place as Vera Cruz. Hence it had become the practice of the treasurer to have a confidential cashier, who received and paid all moneys, with no definite time for placing them in the strong box. This departure from the commands of the law was known and condoned by several of the viceroys, and had been acquiesced in by more than one visitor-general. As a result, entries of receipts and expenditures were made in a daybook without formality, and the notary did not keep his book up with the daybook, but copied his entries at the end of the year from the books of the officials, who at the same time made up the general book from their own journals. The laws had thus become meaningless forms, facilitating disorder and irregularity, and making possible the deficit which Gálvez had discovered. Hence the practice which he inaugurated was to be preferred. The administrator was to have charge of all collections, the treasurer was to receive them and disburse them, while the accountant was to check the transactions of both the others. Each Saturday they were to convene and deposit all sums, as provided by the law,[32] doing away with the extra-legal confidential cashier. On this day they were to make all needed payments, using for the purpose only sums which had previously been deposited. At the same time they were to take out for contingent expenses a sum deemed sufficient, returning the surplus to the strong box at the end of the ensuing week. Moneys were to be paid out only on the order of the administrator countersigned by the accountant, whether for salaries or other expenses. The method of Gálvez was, in fact, rather a stricter observance of the laws than a violation of them, and was much preferable to the old, looser mode of procedure.[33]

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[30] *Instruccion provisional,* art. 32.

[31] These provisions of the *Instruccion* were in conformity with ley 5, título 3, libro 8 of the *Recopilación,* which declared that the duties of each official concerned each of the others.

As to the charge that Gálvez had wrought confusion in the accounts of real hacienda by uniting them all under the rules of the custom-house, the facts were that the custom-house of Vera Cruz had been originally intended, like those of other

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[32] *Recopilación*, ley 10, tít. 6, lib. 8.

[33] Campomanes and Moñino, art. 367.

Spanish-American cities, for the collection of the *alcabala*. The *almojarifazgo* and other duties were collected in the accounting-house (*casa de contaduría*). As a result, during the periods when the *alcabala* was administered by the treasury officials, one of the latter had had to be nearly continuously at the custom-house to collect that duty. This was a great inconvenience, and had been the cause of complaint on the part of the officials as early as the time of the viceroy Amarillas (1755–58). Owing to the arrangement complained of, the other duties were collected indiscriminately either at the custom-house or at the accounting-house, according to convenience. From this lack of system had originated the errors in the books of the cochineal and brandy duties detected at the time of the visitation. It was to eliminate this confusion that the collection of all customs was centered at the custom-house, while all the accounts of the various duties were to be kept with the individuality and separateness demanded by the law. Hence the charge that Gálvez brought confusion into the methods of keeping the accounts of the rents was groundless.

A real change in contravention of the existing laws, the fiscals of Castile admitted, had been made when Gálvez took the conservatory jurisdiction over the rents of real hacienda away from the treasury officials and conferred it upon the governor of Vera Cruz. The motive of the visitor in this change, which was temporary pending the decision of the King, was to separate judicial from administrative functions, as the faculty of contentious jurisdiction on the part of collectors of revenues had been seen to be prejudicial to the adequate discharge of the chief functions of the treasury officials.

As a matter of fact, the visitation of Vera Cruz had showed that these officers had been guilty of intolerable irregularity and neglect of duty, either from intent or from the physical impossibility of performing what the laws demanded of them. Their books either did not exist, or they were improperly kept; their minute-book was lacking, as were the records of sales and auctions, orders, and despatches. Their debits and credits were entered in the general book annually only. Many other records were missing or full of suspicious corrections, while many failures to collect duties on cochineal were evident, though the guilty persons could not be pointed out. They did not hold weekly meetings with the governor; funds were diverted at the pleasure of the confidential cashier; frauds went undetected or winked at; gifts and gratifications were accepted. In short, all the laws were greatly honored in the breach.

This situation was abundant justification for placing authority, at least temporarily, in the hands of the governor, so that he might compel the treasury officials to observe the regulations, while in judicial matters he could work independently of them. Indeed, when the officials enjoyed, as was formerly the case, the right of jurisdictional authority, there was no one to check irregularity and prevent neglect. Nor could this improper situation be corrected by suspending or removing corrupt officials, for even then the subordinate accountants, accustomed to devious methods, would be left in position to continue old abuses, and to teach them to the incoming superiors. Such a condition had Gálvez come to New Spain to correct.

Indeed, it was coming to be realized by the chiefs of administration in the Spanish world at that time that judicial and administrative duties of treasury control should be distinct, justice and good policy requiring that the same persons could not well be both judges and litigants in the name of the crown. The power enjoyed by those who had immediate control of real hacienda should be restrained by the judicial supervision of the judge conservator of the revenues. It was in this case expected that the treasury officials would be watchful of the judge, and would complain, as was the custom in Spain, if he neglected justice, if he collected excessive judicial fees, or if he were remiss in punishing frauds and smuggling. On the other hand, the governor would be on the alert to correct the conduct of the treasury officials if necessary, the mutual check being likely to promote the integrity and efficiency of administration.[34]

Previous mention has been made of the exception taken to the plan of Gálvez to divide the proceeds of fines and confiscations imposed upon smugglers into four parts instead of three. Such a method had been employed in Spain since the royal cédula of December 17, 1760. The change for New Spain was a slight one, and had the merit of unifying practice in the New World with that of the Peninsula. It was hoped that the new method, which gave one-fourth of the fines to informants instead of the old one-sixth, would cause greater vigilance on the part of the public in detecting and rooting out contraband business. New Spain was in fact suffering about one million pesos' loss annually from smuggling, though this was less than the loss from illicit traffic in the remaining American possessions, which brought the total up to about twelve millions annually.[35]

The laws of the Indies originally established the division of confiscations for smuggling without specifying what the shares should be; later, the goods or money seized were to be divided among the chamber (of the Council of the Indies), the presiding judge, and the informant. The share of the latter, if the amount were large, might be reduced. Sometimes, if there was no informant, a two-thirds share went to the judge; in other cases, one-third was divided between the judge and the informant. Again, two-thirds were to be applied to real hacienda if there was no informant; finally, by ley 11, título 17, libro 8, of the *Recopilación,* the regular duties on the valuation of the goods were first taken out for real hacienda; of the remainder, one-sixth went to the judge, one-third of the remainder was then left to the informant, and the final remainder to real hacienda. In cases of the avoidance of the *alcabala* on sales within the viceroyalty of New Spain, that is, smuggling on land, the practice was to divide the fines and confiscations by thirds. This system was ordained by Trespalacios in his plan for the administration of the *alcabala* at Mexico. It was discovered by the accountant-general of the Council of the Indies that in one case of confiscation of goods which had eluded the *alcabala*, the royal treasury had suffered the loss of twenty-seven pesos because the royal share had been reduced from one-third to one-fourth! This petty instance is sufficient to indicate to what length the commercial interests would go in objecting to the new system, leaving no small stone unturned to find fault at the prospect of the disappearance of their special privileges.

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[34] Campomanes and Moñino, arts. 387–88.

[35] *Consulta sobre el proyecto de comercio,* A. H. N., Leg. 2314. See Chapter I, pp. 29–31.

Gálvez took further precautions to prevent smuggling, the most notable of which was to increase the number of guards who protected the coast near Vera Cruz. The shoreline, full of shallow inlets, was particularly favorable for sending in small vessels to disembark goods well out of reach of the guards. The Council of the Indies took exception to the increase of the guards, alleging that 1000 pesos' additional expenditure for salaries was unwarranted. It was plain, however, that some such added precaution was needed, and the increase was adhered to.[36] It was confidently felt that the reforms would overcome this new expense by abolishing the many illegal contributions which commerce had suffered under the old system, and by reducing duties which had not been lowered in 1720. So also the addition of an appraiser and a warden to the force at the custom-house was expected to be justified by increase of revenues as a result of added efficiency.

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[36] Gálvez, *Informe General*, 104–106; Campomanes and Moñino, arts. 395–398.

In any event, the *Instruccion provisional* contained a provision for control of expenditures which made it possible to reduce the number of employees at any weekly meeting of the treasury officials if they found that the number employed was too large.[37]

In fine, the opinion of the fiscals of Castile was that there was no just cause for nullifying the measures proposed by Gálvez, much less for reprimanding him, as the Council of the Indies requested. For, instead of the injustice, and the damage to real hacienda and to the commercial interests which that body alleged, it appeared that quite the opposite effect had been obtained, for the reports of the ministers charged with the correction of abuses were more worthy of credit than the complaints of those who were interested in the continuation of such abuses.

Campomanes and Moñino therefore recommended, in resumé of their *Informe,* that Gálvez and Croix should be informed that they were to go on managing the affairs of real hacienda at Vera Cruz under the *Instruccion provisional,* proceeding with all the suavity possible, and attempting to harmonize the needs of the royal treasury with those of commerce; that they should accede to recommendations which might be made by the juntas provided for in articles 13 and 136 of the *Instruccion,* making such changes as the interests of the merchants and of the crown demanded; that no new exactions be made without notice to the King and only with his consent; that the *guías, tornaguías,* and the *marchamo* be continued in use, but without payment of duty for their issue;[38] that the *tornaguía* be secured by suave methods from localities where there were no custom-houses or mining camps; that special attention be paid to the matter of salaries at the custom-house; that the duty on brandy be collected either at entry or on departure for the interior, as experience might dictate; that reductions of duties on liquors for leakage be adjusted so as to avoid complaint; that the *alcabala* should not be collected on goods in transit through Vera Cruz, provided they be consigned at the point of origin to an interior destination, that they pass through the custom-house, and actually reach the declared destination; that the *consulado* of Cadiz be advised of this regulation, so that the merchants might be prepared to give suitable papers when shipping goods whereby they might enjoy the immunity; and, finally, that in the matter of collecting *alcabala* from Indians, and in charging duties on cacao imported by ecclesiastics, the rules proposed in the *Instruccion* should be observed. As to the suspension of the customs officers at Vera Cruz by Gálvez, it seemed to be justified; their trials should proceed, and even if they were proven not guilty, they should not be re-employed at Vera Cruz, but be transferred for the good of the service. The fiscals commented further:

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[37] Art. 13.

[38] The *marchamo* was employed in the custom-houses at Mexico, Puebla, and Vera Cruz, following the system in use in some parts of Spain, and elsewhere in Europe. The practice was to stamp the royal arms on a piece of linen and sell one to the muleteer for each package carried, at one real. After 1776 the arms were stamped on the packages directly, and the tax of one real was abolished, in accordance with the recommendation above noticed. By royal order of May 13, 1791, the *marchamo* was abolished, as it failed to stop frauds, and was a detriment to trade (Revillagigedo, *Instrucción Reservada,* arts. 1046–49).

> As time and experience will instruct concerning the increase of the revenues and the prosperity of business, your Majesty will be able to remove all abuses, stop all complaints, and establish a permanent, solid basis for the fiscal affairs of the viceroyalty. To this end, the viceroy and the visitor should be commended to employ suave and gentle measures with the subjects of that realm, prudently overlooking small matters, so that the best constitution of those provinces may be secured with the least possible friction, and contraband trade and deception in the management of real hacienda become thoroughly uprooted.[39]

The *Instruccion provisional* received the royal approval, and continued in operation in its essential features until the close of the Spanish régime.

4. *Objections to open coastwise trade.*—We have now to consider the fourth of the five features of the reforms of Gálvez

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[39] Campomanes and Moñino, art. 461.

relative to commerce. This was the measure which opened the ports of Campeche, Yucatán, and the Windward Islands to European merchandise from Vera Cruz. It was the precursor of the more liberal policy which in 1774 authorized freedom of intercolonial trade between New Spain, Guatemala, New Granada, and Peru. In 1778 this policy was still further amplified by concessions to commerce which have already been discussed in this work. It is important to note that this relaxation of commercial regulations had its beginning during the visitation of New Spain by Gálvez, and that it was largely due to his efforts that it was brought about.[40]

The story of the inception of the liberalized coasting trade is as follows: In March, 1766, four merchants of Yucatán and the port of Campeche wrote a letter to Gálvez, complaining of the restrictions which prevented their obtaining European goods from Vera Cruz. This restriction had been placed on colonial commerce as a result of the fear felt by the Spanish merchants that such traffic would injure the business of the merchant fleets. But the fleets made little effort to supply the needs of the small ports, the expense of carrying on business making it impossible to engage profitably in trade with any but the most opulent trading centers.[41] Beside this drawback, the ports of the lower gulf coast were very shallow, so that years often elapsed (in one instance, as many as twenty) between arrivals of vessels from Spain with goods for Campeche. The very natural result was that small vessels from Vera Cruz, Havana, or the islands of the Caribbean undertook to supply the Yucatán and Campeche markets by smuggling. The French and English were also engaged in the same trade. The four merchants of Yucatán therefore prayed Gálvez that they might be allowed to obtain European goods from Vera Cruz lawfully, just as the neighboring province of Tabasco had been permitted to do.[42] Gálvez was particularly anxious to comply with this request, as he saw in it an opportunity to reduce the great abuse of smuggling which he was trying to eradicate. He therefore called upon the deputies of the *consulado* of Cadiz for their opinion as to the desirability of the change. The deputies favored it, though it was known that such traffic had frequently been prohibited, even in times of great scarcity in the viceroyalty. Such prohibition had been enforced at the behest of the *consulado* of Mexico, which body frankly admitted that the benefit to be obtained from high prices owing to scarcity was more to be desired than abundance of goods.[43] The deputies thought that freedom to export European goods from Vera Cruz to Campeche and Yucatán would be particularly efficacious in stopping smuggling by the English who were established on the Wallis River; they also expressed the opinion that the measure would increase rather than diminish the trade of both the fleet and the Manila galleon, and ought therefore to be enacted.

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[40] See above, pp. 32 *et seq.*; cf. Altamira, *Historia de España*, IV, 294.

[41] *Consulta sobre el proyecto de comercio*, A. H. N., Leg. 2314.

Gálvez made diligent search in the records of the viceroyalty to see if there was any actual prohibition of this exportation, but was unable to discover mention of any order preventing it. He inclined to the opinion that the practice of refusing to allow it arose from misapprehension of the ruling that goods might not be transported from one American port to another in the same vessel in which they had been brought from Spain to a definite port of entry; or the error might also have originated from the fact that the law prohibited bringing European goods from other American ports to Vera Cruz, a regulation based upon the argument that such commerce would diminish the direct trade from Spain, especially that of the fleets. But to prohibit exportation of Spanish goods from Vera Cruz to other American ports was to place a needless restriction upon the commerce of New Spain and of the Peninsula alike, and also to compel the outlying provinces to depend upon illicit commerce, and deprive the crown of revenues from duties which the merchants of the lower coast were more than willing to pay if they could thus be freed from the special hazards of the contraband trade.[44] Gálvez therefore proposed to Croix that a *bando* permitting export of European goods from Vera Cruz to Campeche and Yucatán be issued. In support of the proposal, he called to attention the frauds and clandestine commerce in dyewoods which had been discovered by his subdelegate of the visitation at the Laguna de Términos and the Presidio del Carmen in 1765, when the "Nancy" and the "Triton" had been taken in the act of introducing and exporting goods unlawfully.

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[42] Pedro Lardizábal and three others to Gálvez, March 26, 1766, 88-5-25; Gálvez, decree, Mexico, April 30, 1766, 88-5-25.

[43] Campomanes and Moñino, art. 465.

The accountant-general, Landazuri, reported with never failing consistency against this plan, as he had against the previous reforms. It would be contrary to the practice of two centuries; it had only the support of the two young, inexperienced Cadiz deputies; it was an innovation which demanded more thought and examination than could be bestowed with the information at hand. The proper thing would be to obtain information from the *consulados* of Cadiz and Mexico, and from private persons of ripe experience; meantime the viceroy should be ordered to suspend the granted permission. The fiscals of the Indies conformed with the opinion of Landazuri, alleging that the new freedom would increase foreign rather than Spanish commerce, especially since the English had by recent treaty been permitted to establish themselves at Pensacola, Apalache, and Yucatán, from which vantage-points they would, if the new rule were continued, send goods to Vera Cruz, to be exported under the new permission. The *bando* of the viceroy ought to be recalled, and the old prohibition re-enacted. The visitor and the viceroy should be reprimanded for their attitude in the matter, "and for their excessive affection for foreigners in the admission of vessels at Vera Cruz, and frequent permission for the sale of their goods."[45]

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[44] Gálvez to Arriaga, Mexico, March 26, 1767, 88-5-25.

Croix, in his *Informe satisfactorio* upon this and other points, dated September 28, 1768, reiterated the statement of Gálvez that no real prohibition against the proposed exportation had been discoverable, though the viceroy himself had previously refused permission for it, under the belief that it was illegal. On the other hand, it had been found that ley 14, título 15, libro 8 of the *Recopilación* provided for the collection of five per cent additional duty on European goods shipped from one American port to another, which, as far as it went, was construed to be tacit permission to reship goods when necessary.

The fiscals of Castile found abundant evidence, from the documents of the visitation of the Presidio del Carmen and other places, that smuggling was notoriously prevalent on the lower coast. It was due in great measure to the existence there of large quantities of dyewood, for which there were no Spanish vessels, as none called at those insignificant ports. They therefore recommended that commerce in European goods from Vera Cruz be permitted, with the proviso that such goods must first be disembarked and satisfy the revenue regulations; none of the single ships from Spain (*buques de registro*) were to be permitted to engage in the coastal trade, and only such ports were to be opened as did not have already an established trade with the Peninsula. The viceroy and the visitor should provide regulations for this commerce and send them to the King for approval.

5. *Objections to reduced duties at Vera Cruz.*—The last point urged against the reforms of Gálvez at Vera Cruz characterized his reduction of the duties collected there for the maintenance of the fortifications of the port as unauthorized and inexpedient.

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[45] Council of the Indies, *Consulta*, February 10, 1768, 88-5-25; Campomanes and Moñino, art. 470.

Writing to Croix on March 8, 1767, Gálvez said with reference to these duties:

> Among the many abuses which I found during my visitation of the royal revenues of Vera Cruz was the duty of twelve reals exacted upon each *tercio* [half a *carga*, or mule load, which was usually ten *arrobas*, approximating two hundred and fifty pounds] of flour exported to the Windward Islands and other provinces, for the expenses of the fortifications of the port. When the impost originally was levied it was placed upon each *carga* by an order of the viceroy Casafuerte, dated May 9, 1727. Through misconception or from necessity, the duty had later been doubled, and collected on each *tercio*, with the result that commerce in wheat and flour was practically ruined. The grain farms remained uncultivated, and had fallen into mortmain or had been sold at ridiculously low prices.

As a result, wheat was often very scarce, for sowing came to be limited to suit the needs of local consumption only, and if, as often happened, these crops fell short, real suffering ensued. This was not the sole damage, for Havana and other New World possessions were thus put to the necessity of purchasing breadstuffs from foreign colonies.[46]

The reduction in this duty agreed upon by Gálvez and Croix was from twelve reals to one real per *tercio*. "Wherefore," wrote Gálvez to Croix, "I enclose to you the attached note, so that, if you find it in due form, you will please order it printed and sent out to all parts as quickly as possible, in order that the farmers and merchants may have notice of this benefit, and agriculture—the most indispensable wealth of any country—may be restored."[47] The *bando* thus requested appeared in due order on March 11, and its concluding words were in the identical phraseology of the last part of the request above quoted.[48]

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[46] Gálvez to Croix, Mexico, March 8, 1767, 88-5-25. A serious obstacle to wheat production in New Spain was the fact that it was one of the least remunerative of the producible crops. It was estimated by Humboldt that wheat returned only eighty to one hundred francs per acre, while cotton yielded two hundred and fifty, and sugar four hundred and fifty, francs per acre. Hence little area outside the temperate regions was sowed to wheat. Greater profit could be obtained from the "colonial" commodities—cochineal, indigo, vanilla, etc. (*Political Essay*, III, 2).

[47] Gálvez to Croix, Mexico, March 8, 1767, 88-5-25.

[48] Croix, *Bando*, May 11, 1767, 88-5-25.

The governor of Havana, Antonio Bucarely y Ursúa (he who succeeded Croix in the viceroyalty in 1771), and the intendant, Miguel de Altarriba, were called upon to give their opinion on the wisdom of the reduction of the flour duty and the wine duty (the latter was reduced from four pesos to one peso per barrel). Their opinion was that the measures of Gálvez were necessary and right. Landazuri acknowledged that the motives for the reductions were strong and equitable, but thought it strange that they had been placed in operation without previous approval by the King, and with no other provision substituted for keeping up the revenues to apply to the fortifications. The fiscals of the Indies requested that the reductions be suspended until information as to the past history of the duties concerned could be obtained from the audiencia of Mexico, and until it could be ascertained what other funds were to be applied to maintenance of the fortifications.[49]

The fiscals of Castile noted that the Council of the Indies was thus calling upon the audiencia of Mexico for information which it might more readily procure by searching its own records. Campomanes and Moñino agreed with Gálvez, Croix, Bucarely, and Altarriba that the former high duties had injured agriculture and encouraged smuggling. They also thought that to request information from the audiencia of Mexico on the question was a needless imputation of untruthfulness and lack of discernment to Croix and Gálvez. The best plan would be to call upon these ministers for information as to what diminution of revenue had followed the reductions, and what means they had taken to supply deficiency, if any had been caused. The reductions were wise and necessary, and ought to be approved.[50]

Not to fall short of their full measure of disapproval, the fiscals, the *contador*, and the Council of the Indies added to their specific criticisms the general accusation that Gálvez had, in his new legislation, failed to listen to the advice of the *ayuntamientos, cabildos,* the *consulado,* or to the audiencia and its fiscal, but had been content with his own counsels. The fiscals of Castile pointed out that the visitor was by his *Instruccion reservada* required to hold conference with the viceroy only concerning his projected measures for changes of administration of real hacienda. He was ordered to proceed in harmony with the viceroy and with all officials who had done their duty; but his powers would have been destroyed if he had been obliged to act in accord with the opinions of the various corporations and individuals who were connected with irregularities or were responsible for neglect of the King's revenues. To have consulted them would have been to defeat his own measures and the purposes of the visitation. The cities, indeed, were not parties to the disputes concerning the affairs of real hacienda, but they were nevertheless to reap benefit from the reductions of duties and the increased efficiency of administration.[51]

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[49] Campomanes and Moñino, art. 489.

[50] *Ibid.*, art. 501.

This unequivocal approval by the fiscals of Castile meant the complete triumph of Gálvez over the obstructionist policy of the commercial interests. Such a victory was as earnestly desired by the King and his ministry as by the visitor himself. Arriaga, indeed, was a conservative whose temperament caused him to shrink involuntarily from all change, but Grimaldi, who had been an able coadjutor with Esquilache in proposing and effecting reform, before the disgrace and removal of the latter, was still in power, and still warmly espoused the cause of his old secretary, now his efficient ally in the important office of visitor-general. Within a fortnight after the opinion of Campomanes and Moñino was rendered Grimaldi expressed himself in these words:

> The measures of Gálvez have been criticized here by those who are interested in maintaining disorders, but these measures have just been approved in their most justifiable details by a junta of impartial minis-

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[51] *Ibid.*, art. 503.

ters, whose opinion will perhaps be published; it will do no great honor to the Council of the Indies, which had expressed its disapproval.[52]

The foregoing detailed study of the reforms at Vera Cruz and of the struggle which was necessary to effect them throws an interesting light on the commercial system from which Spain derived her revenues, and illustrates the administrative procedure which was needed to obtain necessary reforms. From the standpoint of the special study of the work of Gálvez, it is pleasing to see that the liberal policy inaugurated by Charles III for the colonies was due in large measure to the initiative and independence of his visitor-general. The fact that the merchants had the ear of the Council of the Indies and its assistance in opposing any limitation of their privileges is manifest in every phase of the struggle. That the ultimate decision was taken out of the hands of the Council of the Indies and given to the fiscals of Castile is an interesting commentary on the supposedly independent position of the Council in affairs touching the colonies. The absolutism of the King demanded only that his plans for reform should receive the support of legal sanction; it mattered little that the body to which all American affairs were intrusted opposed him. It is also of importance to know that the victory of Gálvez was a matter of personal interest to the great Italian minister of Charles III, and that it was achieved by the co-operation of Campomanes and Moñino, the latter of whom was less than five years later to succeed Grimaldi, as that minister's choice, in the important office of first minister of state. Thus the name of Gálvez is linked closely with those of the greatest reformers of his age and country, not as being their mere tool but as their able coadjutor. It was to the whole-souled support of Grimaldi, Campomanes, and Moñino that Gálvez owed his success in New Spain, a success which renders his visitation conspicuous in the long series of such errands of royal representation in the colonies of the New World.

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[52] Grimaldi to Bucarely, Aranjuez, May 5, 1771, 146-4-2.

CHAPTER VI

THE EXPEDITION OF 1767

In the present chapter an attempt is made to give an account of the activities of the visitor-general from the time of the coming of Croix (August 23, 1766) to the close of 1767. In previous chapters it has been necessary to present accounts of many of his activities which began before and extended beyond the period at present under discussion. The salient feature of this period was the expulsion of the Jesuits from New Spain, which resulted in the military and judicial expedition made by Gálvez into the mining region of Guanajuato and to Valladolid.

After the assumption of office by Croix, the affairs of the visitation moved with rapidity. The visitor and the viceroy worked together in perfect harmony, initiating at the start most of the measures with which the visitation is credited. Preliminary steps were taken to obtain information upon which to base reforms of municipal finance (*propios y arbitrios*), the *alcabala* was investigated, and the decision reached to place its collection in the hands of the towns and districts (*por encabezamiento*), instead of in the hands of individual tax-farmers or under administration of the central government.[1]

Other revenues were also reorganized. The *pulque* revenue of Puebla, the powder revenue, and the playing-card revenue were all placed under crown administration—the latter not without opposition from Velarde, fiscal of the audiencia. Arriaga upheld Gálvez, however, and the fiscal was not able to obstruct the work, as he had been in the tobacco revenue.[2] The visitation of the subtreasuries of Puebla and Acapulco was begun, involving the displacement of numerous officials, appointment of new ones, and the formation of plans for reform in collection of royal rents in those places. During the fall of 1767 the visitation of the custom-house of Mexico was carried on while the expedition to the mining regions of Guanajuato and Valladolid was occurring. Gálvez and Croix were busy with preparations for reforms in the tribute collections, the mining revenues, the salt revenue, and with framing regulations for the powder monopoly, when the order of Charles III was received for the expulsion of the Jesuits.[3]

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[1] Gálvez, *Informe General*, 101, 134.

[2] Arriaga to Gálvez, March 11, 1766, 88-5-21; Gálvez, *Informe General*, 119.

1. *Gálvez and the Jesuit Expulsion.*—It is not within the scope of the present inquiry to discuss the causes, the merits, or the consequences of the policy of Charles in expatriating the Jesuits from all his dominions. Nor is it intended to chronicle in a general way the course of the execution of the order of expulsion in New Spain.[4] The purpose is merely to show what share Gálvez had in planning and executing the coup, and into what activities this work led him, namely, the expedition of the fall of 1767.

The order for the expulsion reached Croix on May 30. He had been viceroy for just nine months, hardly time to establish himself in his office in a land where the movement of political life and administration was extremely slow. He had learned, however, that the power of the Jesuits with the people of New Spain was very great, and it was feared that the execution of the royal order would be accompanied by grave disorders. He had good reason to believe that the Society was anticipating hostile action on the part of the government, as sufficient time had elapsed since the expulsion from Spain in March for the leaders of the Jesuits in New Spain to be apprised of that action. He also suspected that the Society might take measures to resist the accomplishment of the plans of the crown against them.[5] Accordingly he confided his plans for the stroke to no one save Gálvez and his own nephew, Teodoro de Croix. The account of the preparations for and the execution of the order is best given in the words of Croix himself:

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[3] Gálvez, *Informe General*, 78.

[4] Ferrer del Río, *Historia del Reinado de Carlos III en España*, Vol. II, is devoted to the Jesuit situation under Charles. The expulsion itself constitutes the subject matter of Chapter IV of that work. See also F. Rousseau, *Régne de Charles III d'Espagne*, Vol. I, chapters IV–XIII. In Chapter VII Rousseau gives some of the incidents of the expulsion from South America. Moses, *Papers on the Southern Spanish Colonies of America* (Berkeley, 1911), 103–126, recounts the expulsion from Río de la Plata and Chile. Bancroft, *History of Mexico*, III, Chapter XXIII, gives the story of the expulsion from Mexico; on revolts in the provinces see especially pp. 444–5.

> As all the inhabitants are worthy pupils and zealous partisans of that Company . . . I took good care to trust none of them with the execution of the orders of the King. The secret would surely have got out, which would by no means have been convenient. For this reason it was that I decided to confide in none save the Señor de Gálvez, a minister who is employed here in the King's service, and in your son; we three, therefore, made all the arrangements ourselves,[6] writing with our own hands all the orders necessary; these were immediately despatched by special messengers, that they might be carried out simultaneously in the most remote places of this vast empire.
>
> Until now the business has had the best success; neither the troops nor any member of the public discovered the secret until daybreak of the twenty-fifth of the present month [June], which was the date I had selected for the promulgation of the sentence. It was executed at the same hour in all the colleges and other houses of the Company, whose money, goods, and general effects were at the same time sequestered to the King.
>
> Effort is now being made, while orders are being awaited, to arrange everything so that no one may be injured. The secret was so well kept

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[5] Gálvez, *Informe de el visitador de este reyno al Exmo Señor Virrey, marqués de Croix,* Mexico, December 25, 1767. MS. This *Informe,* of which a contemporary copy is in the Bancroft Library of the University of California, narrates the events growing out of the expulsion in which Gálvez was chief actor.

[6] *Varias Cartas del Marqués de Croix, XLV Virey de la Nueva España* (Brussels, 1884, A. Núñez Ortega, ed.), Croix to the Marquis of Huechin, his brother, June 30, 1767; the same letter appears in the *Correspondance,* 207–8. The secrecy with which these preparations were made was in imitation of the policy of Aranda, Roda, Campomanes, and Moñino in promulgating the instructions for the expulsion from Spain; cf. Rousseau, I, 217.

> that the entire public is not yet recovered from the extreme surprise it experienced at the outset, a circumstance which—added to the fact that the troops were under arms—has contributed not a little to the marked tranquility with which everything has passed off, as well here as in the principal cities around about. These are the only places of which I can at present write you, as I have not yet been able to obtain news from those which are at greater distance. Nevertheless, as the orders were uniform, I flatter myself that the results must have been the same.
>
> The good fathers are conforming with the greatest submission to the will of the King. Their removal was accompanied by all manner of attentions, and they are cared for much better than they were in their own houses. They are all now *en route* for Vera Cruz, where I shall have them embarked for the port of Santa María as quickly as possible. Thence they will doubtless be transported to the Papal States at the expense of the King, upon whom this item will necessarily fall heavily, but no matter, they leave in his dominions much more than is necessary to meet this cost without need of recourse to the royal treasury.

Gálvez says, concerning preparation for the execution of the order, that the greatest care was exercised in the choice of officers sent to the outlying provinces for that purpose. Among them were the members of the official family of the visitor,[7] going ostensibly as subdelegates of the visitation, but secretly carrying the order of expulsion. Army officers were also sent out, but to the public their errand was announced to be the organization of companies of militia. Such procedure was deemed absolutely essential, as, the secret once out, "New Spain would have become the bloody theatre of the gravest tragedies, for there was in fact no other authority recognized than that of the regulars of the Company."[8]

2. *Riots in the provinces.*—While there had been no disturbances in Mexico and Puebla during the expulsion, there had been riots in the mining regions, of which Croix was not informed when he wrote the letter above quoted. To the north, in San Luis de la Paz, San Luis Potosí, and Guanajuato, where trouble

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[7] Gálvez, *Informe de el visitador*, p. 3*a*.

[8] *Ibid.*, 4.

with the lower classes was chronic, the expulsion had failed of execution. There were also riots and insurrections in Valladolid and Pátzcuaro. Many of these disorders were due to the renewal of orders against carrying arms, to the collection of the tribute, undertaken at this time with renewed vigor, and to the collection of excises on “regional beverages.[9] When Croix was about to send a minister of the audiencia to quell these disturbances, Gálvez offered to go himself, “after filling the heart of the gentle viceroy with suspicion as to the true cause of the commotions,” that is, after making him believe that they were due to the expulsion, and not to economic malcontent.[10]

Gálvez and Croix are both silent as to which of them suggested that the former should go in person to the turbulent regions. Gálvez says that they agreed to that measure when news first came of the tumults at San Luis de la Paz.[11] He set out from Mexico on July 9, 1767, vested with the full powers of the viceroy, in the same form as he was later to be authorized to act for Croix while on the California and Sonora expedition. He was preceded on July 5 and 7 by three detachments of the troops which had guarded the expulsion from Mexico and Puebla.[12]

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[9] *Providencias de Galvez en su visita*, A. G. I., *Papeles procedentes del ministerio de Estado, Audiencia de Mexico*, Leg. 15, No. 36. This manuscript is anonymous; it is a caustic account of Gálvez in New Spain, bearing the date August, 1773. Whoever the author, it was certainly written to discredit the visitor. The descriptive title of the *Providencias de Galvez*, rendered into English, is: “Brief notice of the principal expeditions and measures of the visitation of real hacienda, performed by Don Joseph de Gálvez of the Council of the Indies and visitor-general of the tribunals of New Spain, for improving the fortunes of that kingdom; written with the sole object of giving an idea of the vast notions of this peculiar minister, who, depreciating all the difficulties of long experience, set in motion everything that his fecund imagination conceived to be easy, in order to obtain prodigious advantages and immense treasures, with the assistance afforded him without limit whatsoever through the worthy zeal of the viceroy, the Marqués de Croix.”

[10] *Ibid.*

[11] *Informe de el visitador*, 9*a*; *Informe General*, 139.

[12] “Con los piquetes de tropa veterana que V. E. destinó de la que había aquí y en Puebla, y con sus amplias facultades que se sirvió transferirme para que el Rey quedara debidamente obedecido” (*Informe de el visitador*, 8*a*).

As only 600 troops were available for the expedition, volunteers were called for from the province of Michoacán to join Gálvez at Guanajuato. The *sargento mayor* Pedro Gorostiza, who had led troops to assist in the expulsion of the Jesuits from Guadalajara by Eusebio Ventura Beleña, the viceroy's commissioner for that purpose, was also ordered to bring his militia to Guanajuato. Juan Velázquez, adjutant-major of the Regiment of Dragoons of Spain, who had been in charge of the military forces of the expulsion from Nuevo León, marched at once to Guanajuato with such volunteers as he could enlist.

3. *Disturbances at San Luis de la Paz.*—The first objective point of Gálvez was San Luis de la Paz, which is northeast of Guanajuato, near the eastern boundary of the modern state of that name. The commissioners of the expulsion had been driven out of San Luis de la Paz on June 25, without having executed their orders. Again, on the night of the 7th of July, riots occurred when the *alcalde mayor* attempted to take the Jesuits from their college. When they heard of the approach of Gálvez with troops, the Fathers fled while he was yet two days distant; this was about the middle of July. The leaders of the riots were caught and given summary trials by the visitor, who sat as a military judge, in his capacity as intendant of the army. On July 20 four ringleaders of the tumults were executed, two others being whipped and exiled.[13]

In San Luis de la Paz, Gálvez obtained possession of certain seditious circulars of unknown origin, which had been distributed for the purpose of urging defiance to the king's order of expulsion. Three months later a Franciscan minorite confessed to the authorship of the circulars; he was sent to Mexico to prison. As the Jesuits had fled, the people were now without spiritual pastors, so Gálvez called upon the bishop of Michoacán for four priests to fill the places thus left vacant. To these priests the visitor conceded 500 pesos salary, to be paid from the income of the Jesuit estates. For the purpose of preserving the peace in San Luis de la Paz, Gálvez organized and left there a new company of militia. To pay for their arms, taxes were levied upon the common people, who had engaged in the riots. The uniforms of the new troops were to be obtained from the proceeds of a levy upon the "respectable people" for that purpose.

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[13] *Informe de el visitador*, 12*a*.

Learning that the mob which had resisted the expulsion from Guanajuato had attempted to break open the royal subtreasury of that city, Gálvez ordered Juan Velázquez, adjutant-major of dragoons, to transport the public funds of Guanajuato to Mexico for safe keeping. Then, hearing also that the people of Guanajuato were escaping in great numbers, the intendant ordered a cordon of 8000 militia thrown about the city, to prevent the escape of rioters, and to keep the miners at work. This cordon was maintained for a period of three and a half months, and served its purpose well.

4. *Disorders at Potosí.*—On the next to the last day of his stay at San Luis de la Paz, Gálvez received three urgent appeals for help from San Luis Potosí. At that place the *alcalde mayor,* who was being assisted in attempts to effect the expulsion by Francisco Mora, a rich creole farmer, was having serious trouble with the Indians of the town and of the mines. Gálvez therefore despatched a troop of cavalry thither, and ordered a cordon thrown about the Cerro de San Pedro, the hilly region in which the mines of the district were located.[14] He then set out from San Luis de la Paz on July 21, reaching Potosí on the morning of the 24th. Here the Jesuits were still in their church. Deploying his forces upon all the streets of the place, Gálvez advanced upon the church, where a huge crowd was collected. He ordered the people out, closed the doors, ascended to the rector's room, and curtly ordered the Fathers brought from their rooms

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[14] *Informe de el visitador,* 19, 19a.

and taken to the street under guard, allowing time only for coaches to be prepared and a few garments collected. The Jesuits were taken away under guard of seventy dragoons, who conducted them to the limits of the province, where they were met and escorted to Vera Cruz by a sergeant from Jalapa with twelve men. The rector of the church was expelled along with the other Jesuits, contrary to the usual practice observed during the expulsion, as he was believed by Gálvez to have been responsible for many of the recent disturbances which had occurred among the mining population. Especially was this measure deemed advisable since it was rumored on all sides that a general massacre of the Spaniards had been planned for St. James' Day, July 26, two days later than the date of Gálvez' arrival. All the shops had been closed and the Spanish population had taken refuge in the convents. The plan of the insurgents included setting up an independent government and the readoption of the native religion.[15]

The beginning of this disorder had occurred at the Cerro de San Pedro (at Potosí) on May 10, 1767. The proximate cause was a decree forbidding carrying arms, and another decree ordering the arrest of numerous vagabonds who infested the mines. The lieutenant of the *alcalde mayor* had been stoned in the very act of promulgating these decrees and had been saved from death only at the intercession of the parish priest. A second riot had occurred on May 26, when the *alcalde ordinario* on his night rounds arrested three Indians for carrying small arms. The next morning the alcalde had been forced to give up one of his prisoners to the native Indian alcalde after a heated debate in public as to competency of jurisdiction between the two officers. An Indian mob stood by during the discussion, threatening violence. Seeing that threats had caused the delivery of the first prisoner into their hands, the mob stoned the jail, forcing the release of the second prisoner to the Indian alcalde of the second *barrio.* The rabble then planned to seize the city. Entering it on June 6, they obliged the alcalde to release twenty prisoners from the jail. They then went away, stoning the *casa de cabildo* (city hall), the tobacco warehouse, and several private dwellings. A party of militia recruits arriving on the scene, a private quarrel arose between a recruit and an Indian resident, in which the Indians joined forces against the recruits, stoned them, and tore down the Spanish flag which was floating over the plaza.

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[15] *Informe de el visitador*, 20.

When Croix heard of these disorders he planned to send 120 dragoons to restore order and to effect the expulsion of the Jesuits. But the dragoons were not at that time supplied with arms, and nothing effective could be done to enforce the decree of expulsion on the set day, June 25. On June 26 the alcalde and Mora, the wealthy creole farmer, attempted to remove the Jesuits. A mob seized the Fathers, took them to a convent for protection, and tried to kill the alcalde and his companions. Some Indians were shot in the mêlée, and the Fathers themselves were hit by flying stones. On the same day the mob broke open the jail and set free a number of prisoners; they then broke into the warehouse of the powder monopoly and took the powder, and finally sacked a number of private stores and warehouses. The leader of the mob assumed the title of *justicia real ordinaria,* and the lawful alcalde was obliged to flee for his life and hide in the Jesuit college. Francisco Mora[16] and the Franciscan provincial obtained a signed promise on June 28 from the Indians resident within the town that they would keep the peace and assist in the expulsion, which was arranged anew to take place on July 9; but the Indians of the hills combined with those of the valley, fell upon the town on the night of July 8, and defeated the plan, though they were driven off by Mora the next morning. In spite of this temporary success, the authorities felt obliged to await the coming of troops, and when these arrived the expulsion was tardily carried out in the manner indicated above.

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[16] For his services during these disorders, and for his subsequent activities in organizing and maintaining militia, Mora was rewarded by the King, on January 26, 1768, with the title of Conde de Santa María de Guadalupe del Peñasco, the title being derived from the name of Mora's estate in the province of San Luis Potosí. One of Mora's descendants, José de Agreda y Sanchez Mora, lived some twenty years in Mexico City, where he enjoyed fame as a bibliographer. It was said that his library was the richest in Mexico (*Correspondance,* letter of Croix, Mexico, July 26, 1768, p. 214, and note).

Once the Jesuits were gone, Gálvez ordered the shops to reopen and the people to return home from their refuges in the convents. Summary trials of the rioters began at once. On August 7 eleven of them were sentenced to be hung and their heads set on pikes until time should consume them. Their homes were ordered destroyed and the sites strewn with salt. Thirty-nine other unfortunates were sent to prison for life and five more were exiled. In a neighboring village, San Nicolás, eleven persons were condemned to death; the leader of the revolt was condemned to be quartered and exposed on pikes for having sworn not to lay down arms until he had done away with the *Gachupines* (Spaniards). The hand of the secretary who had written the oath was cut off and similarly exposed; the village was deprived of all local autonomy until that should be restored by royal clemency, as the whole town was adjudged accessory to the revolt.

In Guadalcázar four more persons were condemned to death. Here the rebels had forced from the authorities a humiliating capitulation, signed publicly in the plaza, in which it was specified that the government monopolies of revenues and the *alcabala* should be abolished, and an Indian or a creole recognized as king.

In the Indian villages of El Venado and La Hedionda, two days' journey from Potosí, the natives had hitherto paid no tribute or tithes, claiming exemption because these settlements were still rated as frontier towns. The Indians availed themselves of the current disturbances to rise against the administrator of their farms, and tried to kill him and the *vicario.* They beat the parish priest for trying to dissuade them from this violence, and drove off the lieutenant of the *alcalde mayor*, the Indian governor, and other loyal persons. When they heard that Gálvez was coming with troops they sent to him emissaries, whom he promptly cast into prison. Receiving on July 29 authority from the viceroy to proceed against these towns, Gálvez sent troops to them on August 4 to capture the recalcitrant Indians. Of those caught in the dragnet twelve were put to death, seven received two hundred lashes, and seventy-two were temporarily exiled.[17] The public lands of these towns, except one square league for each, were confiscated, and the cattle of the Indian commune were sold to pay the expenses of the local government.

In the *barrio* of Analco, for similar offenses, the leader of the revolt was hung and quartered, his head was exposed, his body burned, and the ashes strewn to the winds. The *alcalde mayor*, who had been involved in the disorders, was fined 2000 pesos and sent to prison at Acapulco for eight years.

At San Francisco, ten leagues from Potosí, the Indians had been encouraged to revolt by a Jesuit who was acting as parish priest. The cause of disaffection was the organization of militia and the consequent collection of taxes. The priest Gálvez turned over to the bishop of Michoacán for punishment. The bishop exculpated the Jesuit on the score of insanity, but Gálvez sent him to Mexico, with the recommendation that he be sent to Spain for trial. Eight natives were executed for sedition, two were sentenced to the lash and banishment, seven went to prison for life, and twenty-six for limited terms. Numerous other punishments were meted out in other *barrios* and villages of the neighborhood of Potosí. In the city itself, aside from the executions and other corporal punishments inflicted, the insurgent *barrios* or wards were deprived of self-government and every tributary was ordered to pay twelve reals within three months to provide arms for the new militia. Measures too detailed for recital here were taken for insuring the regular collection of the tribute. The local officers were adjured henceforth to enter into no humiliating capitulations with rebels for the sake of peace. "Rather should they give their throats to the knife than submit to such disrespect to his Majesty." The Indians were prohibited anew from carrying firearms or side arms; they must wear their characteristic dress, that they might be distinguished from the castes; they should not ride on horseback, as this custom made them insolent and overbearing. They might not convene except in the presence of the King's officers. Their houses should be aligned with each other, facing the streets, and with doors on the street side; for most of the houses were enclosed by fences and had concealed entrances, a condition which encouraged and facilitated disorder and crime. The Spaniards were forbidden anew to live among the Indians of the missions, but the right assumed by the Indians to prevent Europeans from living in their parishes and "reduced" settlements was declared by the visitor to be without legal sanction.[18]

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[17] *Informe de el visitador,* 34.

The town hall (*casa de cabildo*) and the jail at Potosí having been destroyed in the revolts, Gálvez ordered new and better ones built in their places. The expense was to be borne by the rabble that had torn down the old buildings; to this end, having nothing, they were to contribute labor, alternating in squads, and receiving from the public stores a bare sustenance the while. A tax on corn was levied to pay for building materials. Thus the burden of the punishment was laid upon the poorest element of society with great harshness.

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[18] Most of these restrictions and regulations were merely revivals of the provisions of the laws of the Indies which had fallen into disuse; see *Recopilación*, ley 24, tít. 1, lib. 6; ley 31, tít. 1, lib. 6; ley 33, tít. 1, lib. 6; for the principal regulations concerning the Indians see libro 6 entire.

The populace was convened in the town square (*plaza mayor*), where the orders of the visitor announcing the above described regulations were read to them, at the same time that sentence of death was publicly pronounced on the leaders of the recent revolts. Gálvez himself made a vehement address from the balcony of his lodging, explaining how God always punishes rebellion, as He was then doing, adducing examples from Holy Writ, and calling attention to the small number of punishments which were being inflicted in the present instance in comparison with the large number of persons involved in the disturbances. His other measures, he said, were not punishments, but remedies for intolerable conditions. He wrote to Croix: "Although some unmerited praise of this speech may have reached your Excellency's ear, it is true merely that my zeal and activity supplied my lack of eloquence."[19]

Gálvez found the municipal government of San Luis Potosí in a state of neglect and decadence. The *ayuntamiento* was composed of only two *regidores,* and even these were mere lieutenants, and not office-holders in their own right. One of them was also *alcalde ordinario.* To reorganize the municipality, the visitor caused six *regidores* to be elected for a term of one year; they were, with two proprietary *regidores,* to form an *ayuntamiento* of eight *capitulares,* as was provided by law for a town of the size of Potosí. The town was divided into ten districts (*cuarteles*), including the seven Indian wards, and each was to be governed by a *regidor* or an *alcalde ordinario.* The inhabitants were to be enumerated in *padrones* (registers) for the proper collection of the tribute. For better protection of the public funds, Gálvez renewed the prescribed practice of keeping the municipal moneys in the strong-box with three keys, as had been provided by the *Recopilación,* and he designated the officers who were to retain the keys. Similar protection was arranged for the sums contributed voluntarily by the mining guild (*cuerpo de minería*) for the improvement of their organization. It was due in part to irregular investments of these funds that the riots in the preceding spring had occurred among the Potosí miners.

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[19] *Informe de el visitador,* 51.

The work of maintaining peace at Potosí was greatly assisted by that Francisco Mora already mentioned. He equipped and kept in the field during the period we are studying a force of 1000 militia at his own expense. As the loyal subjects had no union, arms, nor leaders to repel insurgents, Gálvez, with the authorization of the viceroy, commissioned Mora to organize a permanent body of provincial militia. Mora soon raised ten companies of infantry and some light horse among the laborers of Charcas and Potosí. These troops were equipped by the late rebels in the manner already mentioned for the levies of San Luis de la Paz, "at no expense to real hacienda."[20]

Concerning the punishments imposed upon the natives of Potosí, and the speech in the *plaza* of which Gálvez was so modestly proud, the anonymous writer of the *Providencias de Galvez* says:

> These punishments horrified the entire kingdom, accustomed as it was to see only convicted criminals led to the scaffold [the summary trials by Gálvez as intendant were apparently an innovation] after confession in conformity with the wise laws. As an offset to his violent procedure Gálvez assumed a feigned piety, arranging a great funeral pyre, a funeral oration, and all the ceremony with which the greatest heroes might be honored. He added a feature of which it is doubtful if there are many examples: this was to ascend the scaffold himself and harangue the populace, to the accompaniment of tears, a white handkerchief, and exquisite expressions. He then retired to his house to arrange splendid banquets and balls for the following scene, to which he invited all the principal persons of both sexes, and all the officials. With these deeds he was tranquilized, and ready to set out for Guanajuato.[21]

5. *Rebellion at Guanajuato.*—On October 11, 1767, the visitor finished his labors at San Luis Potosí. On the following day he

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[20] *Informe de el visitador*, 53*a*.

[21] *Providencias de Galvez.*

departed for Guanajuato, where he arrived on the 16th. Here the *sargento mayor*, Pedro Gorostiza, the adjutant of dragoons, Juan Velázquez, and the *alcalde mayor* had proceeded, under orders from Gálvez, with the preliminary examination of some 600 prisoners who had been gathered into the jails by the cordon of militia. By this means the work of Gálvez was expedited, and he was ready to pass sentence on November 6. For participation in riots, nine ringleaders were sentenced to death, five other culprits received two hundred stripes, thirty were sentenced to life imprisonment, one hundred and thirty-four received term sentences, and eleven were banished forever. The remaining prisoners were admonished and dismissed by Gálvez personally. The heads of eight of the condemned were exposed on pikes on the hilltops about the city. On the day of the executions the gangs of miners and many of the residents of the city were convoked in the plaza, where Gálvez harangued them. He reminded them that there had been six riots in Guanajuato within the year, from which the city had received a bad name in the province. Most of these disturbances had been directed against the collection of the tribute and the *alcabala*, though the people had also opposed the establishment of the tobacco monopoly. In July they had rioted upon the occasion of the expulsion of the Jesuits, stoning the parish priest who tried to quell them. After the visitation of Gálvez they were ready to pay the duties imposed upon them, and there were no further disturbances in this locality during the remainder of his stay in New Spain.[22]

The secret of the unfortunate conditions which he found prevalent in this region Gálvez believed to be the incompetence of the *alcaldes mayores*.[23] These men were of a type too ordinary to permit them to become ready and inspiring leaders of the people. The demand that they pay half annats on salaries which they did not receive caused them to bend their energies to recovering the money which their positions had cost them, neglecting the solid permanent progress of their districts. San Luis Potosí was the center of a territory sixty leagues long, with two mining camps which had fallen into decay for lack of efficient development by a competent public officer. Guanajuato, as large or larger than Mexico, was yielding 500,000 or 600,000 pesos yearly in mining duties, but this revenue could be greatly increased if a suitable officer were to replace the *alcalde mayor*, who had no aim or incentive but to make himself rich. Until this present ruinous condition could be rectified by the creation of intendants, some provisional measures were needed.

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[22] Gálvez, *Informe General*, 139.

[23] They were appointed by the king for terms of five years; they served thereafter until their successors were appointed. If an *alcalde mayor* died, the viceroy named a successor who served two years, even though the king might have named a regular successor. The alcaldes were

With such an end in view, Gálvez adapted the regulations which he had introduced at San Luis Potosí to the situation at Guanajuato as best he could. For the defense of the province he organized a battalion of infantry and twenty-three companies of light horse. From these forces, which were not all kept constantly under arms, detachments of forty-six men in rotation were kept regularly in service for police duty at the cost of the city. The expense was met by a "voluntary" levy, the excess product of which was applied to road-building. The strong-box of the municipal treasury was put to its intended use, reforms in favor of the mines were made in the levying of the local taxes, the *ayuntamiento* was quickened into more efficient life as had

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receiving no salaries during the period now under discussion, though they still paid half annats on a theoretical salary, as they had been doing since 1700. The first Revillagigedo obtained for them the right to engage in commerce, and they became, under this privilege, little more than mere merchants. They collected the taxes called *medio real de ministros* (for salaries of defendants and protectors of the Indians), the *medio real de hospital* (for medical and hospital attendance for the Indians), the tribute, and other imposts, which they deposited in the subtreasuries without legitimate profit to themselves. "Pour obier À ces inconvenients, l'Inspecteur Galvez vient de demander et d'obtenir l'etablissement d'intendants" (Croix, *Instruction*, in *Correspondance*, 264).

been that of Potosí, and the collection of the tribute was enforced. The collection of this capitation tax was placed in the hands of the foremen of the mining gangs, who were allowed to retain for themselves a percentage of the weekly pay of the laborers equal to a small surplus over the amount of the tribute and the cost of the dispensations of the church (*bulas de la Santa Cruzada*). By this arrangement the foremen were financially interested in the efficient collection of these taxes, and the net income of the crown was thereby increased.

6. *Insurgency at Valladolid.*—The *licenciado* Fernando de Torija was left in Guanajuato to see that the visitor's orders were obeyed and to conduct the visitation of the subtreasury. The *sargento mayor,* Felipe Barri (afterward governor of California), was left with three companies of native troops from Guadalajara to preserve order until the local militia could be armed and clothed with proper uniforms.

From Guanajuato Gálvez departed November 11 for Valladolid (Morelia), where he arrived on November 14. Here Juan Valera, who had come in the visitor's suite from Spain, had been commissioned to conduct the preliminary examination of a number of prisoners who had been engaged in public disorders. Associated in this work with Valera were Fernando Mangino, who had managed the expulsion of the Jesuits from Valladolid, Manuel Bustamente, a military officer, and the *alcalde mayor* of Valladolid. They were trying the cases of about 460 Indians who had been captured by a ruse in Pátzcuaro and Uruapán and brought to Valladolid. These Indians had been acting as a guard for the Indian governor of Pátzcuaro, Pedro de Soria Villaroel, who was suspected of fomenting a movement of menacing proportions for independence. He was said by Gálvez to have gained the allegiance to this movement of one hundred and thirteen villages, in which he was obeyed with a fidelity which threatened the Spanish dominion. Valera and his associates had made such progress in the preliminary examinations of the prisoners that Gálvez was ready in five days after his arrival to pass judgment on them. One resident of Valladolid was condemned to death and another to life imprisonment. Of the residents of Pátzcuaro, the governor, Soria (also known as Armola), and a mulatto were condemned to death, and their heads were exposed on pikes over their homes. Twenty-four other Indians received two hundred stripes, twenty were imprisoned for life, and twenty-nine were banished.

In Uruapán there had been riots when Felipe de Neve (afterward governor of California) had gone there to enlist militia in September, 1766. Neve had also been driven out of Pátzcuaro by a mob when he went to that place on the same errand. In October, 1766, the Regiment of America had lost a body of recruits, who were seized and taken away by the rabble. On May 28, 1767, the lieutenant of the *alcalde mayor* of Pátzcuaro had put Soria, the Indian governor, in jail, after disputes over the collection of the tribute. Soria's followers took him out of the jail and committed other disturbances in the town. In other cases military officers had been dragged out of their houses at night and their lives menaced. A party of Spaniards going to the assistance of Gálvez at Guanajuato had been stoned, and other similar offenses against the dominant race had been committed. Gálvez condemned ten men to be hung for implication in these numerous disturbances, twenty-four to be whipped, thirteen to life imprisonment, and seventeen to be banished. As most of the disorders had attended the organization of militia, he sentenced the lower classes of the population to pay special levies for arms with which to equip the troops. The *ayuntamientos* were assessed for funds for the uniforms. Leaving Valera to execute his sentences and a *sargento mayor,* Miguel Deza, to organize and equip the militia, the visitor set out for Mexico, where he arrived November 24, 1767.

He had been away from the capital four and one-half months on this expedition, the arduous labors of which had left him not more than three hours' daily rest.

> If I have been able [he wrote to Croix] to work with any success, and . . . to take any measures which merit the approval of yourself and the satisfaction of his Majesty in the zeal and fidelity with which we strive to serve him, this is the only reward I seek as the final recompense for my wakefulness and fatigue, that I may carry to my grave the inner satisfaction and consolation that I have not been a servant entirely useless to my master and to my nation.[24]

7. *Judgments on the expedition.*—Viewed in the light of twentieth century standards, the severity of Gálvez while upon this expedition can hardly be considered a cause for inner satisfaction or consolation. It is difficult to refrain from the judgment that his sentences were heartlessly cruel. During the trials no actual destruction of life was proven to have been committed by the turbulent natives, though some attempts at such violence had been made. Much property had been destroyed and a decidedly anti-Spanish spirit had been uncovered. Of 3000 persons brought to trial, all had been found "to have hearts full of malice and a desire to do the Spaniards mischief."[25] By the standards of today, these would be considered light offenses for the punishments inflicted. Eighty-five men had gone to death, seventy-three to the lash, six hundred and seventy-four had been condemned to term or life imprisonment, and one hundred and seventeen to banishment. We can have no knowledge of the number of women and children who were deprived of support by these sentences. "But I assure you before God, and with all sincerity," wrote Gálvez, "that I have not upon my conscience the slightest scruple of having exceeded the limits of justice, for I mitigated my sentences always with clemency and

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[24] *Informe de el visitador*, 75.

[25] *Ibid.*

mercy."[28] Perhaps if this statement had been strictly true, Gálvez would not have felt impelled to utter it with such vehemence. Men rarely hurry to the defense of their consciences unless these have been challenged from within. One would like to know what one Miguel Hidalgo y Costilla, a youth of fourteen summers when Gálvez came to his city of Valladolid, thought of the justice of the visitor-general. There was also Morelos, a child of only two short years, but even he may have remembered what he must then have seen. The generation which was to begin the revolutionary movement was old enough to have some recollection, if not to feel strongly the influence, of the personality of the militant reformer of New Spain.

Contemporary opinion was divided in judgment of the executions of the Indians. The anonymous author of the *Providencias de Galvez* was unbridled in his criticism, but he condemned everything that Gálvez did. Pedro de Rada, secretary of the viceroyalty, who was secretly commissioned by Arriaga to report to him on the activities of Gálvez, likewise condemned the wholesale punishment of the natives, declaring that the latter had desisted from all active insurrection before the time that Gálvez went among them. But Rada was also an unconditional critic of everything that Gálvez did. He wrote to Arriaga that horror filled the hearts of the people at the severe sentences of the visitor in Guanajuato. The miserable prisoners in the jails were crowded together, afflicted with a pest, and wished themselves dead. The tumults at Pátzcuaro had been pardoned by the viceroy, at the behest of the bishop, before Gálvez went thither. The pictures of the chiefs of the conspiracies were being drawn, to send to the King, that his heart might be softened, for they would show how miserable was the condition of the natives, and how incapable they were of seditious enterprises. The dependents of Gálvez left in Mexico had complete possession of the viceroy, whom they had caused to believe that a general uprising was imminent. Matías de Armona had put all the veteran troops on special guard of the capital on September 3 and 4, and they had patrolled the city. The gates of the palace were kept constantly shut, the viceroy secluded within, under the belief that he was in special danger. All classes of society, even the officers of justice, were terrorized at the actions of Gálvez.[27]

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[28] *Informe de el visitador*, 76.

The private comment of the viceroy on the events which have been related in the present chapter, made in a letter which he wrote to his brother not long after the return of Gálvez to Mexico, is worthy of reproduction.

> The expatriation of the Jesuits has so increased my labors that, although I wrote you in June concerning it, I have not since then been able to inform you of the effect which the order of expulsion has produced. Today I confess to you frankly, my dear brother, that I should never have come out of this ticklish business as well as I have if I had not decided to conceal from every one the order which I received, and to communicate it to none save the Señor Gálvez, a minister of great trustworthiness whom the King has here, and to your son. . . . Only in San Luis de la Paz, Guanajuato, and San Luis Potosí [the viceroy neglects to mention the troubles at Valladolid and Pátzcuaro], which are all gold and silver mining camps, and thus full of the lowest rabble . . . have

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[27] Pedro de Rada to Arriaga, Mexico, September 26, October 14, 17, November 18, December 21, 1767, A. G. de I., Estado, Aud. de Mex., Leg. 1, Doc. 99. Rada made himself *non grata* with Gálvez and Croix, and was, at his own insistent request, recalled to Spain. He was replaced in the secretaryship by Martín José de Alegría (Rivera, *Los Gobernantes de Mexico*, I, 417). The viceroy evidently wrote to his nephew in France with some apprehension concerning the popular tumults and plots, for the nephew wrote to an unnamed correspondent the following story, which had not grown smaller with repetition: ''Il parait que les Indiens ont voulu faire des Vêpres Siciliennes avec les Espagnols; ils étaient déjà au nombre de 5 à 600 lorsqu'on decouvrit le complot; mon oncle [sic] les a poursuivis avec 3 ou 4000 hommes et en a pris 300 qu'il a fait pendre de suite; les autres se sont enfuis et enfermés dans un petit fort, où ils sont bloqués et subiront le même sort'' (letter of the Comte de Croix, Leganes, December 20, 1767, in *Correspondance*, 210).

Later the viceroy wrote: ''On vousa beaucoup exagéré les soulèvements de ce pays au départ des Jesuites; grâce à mes précautions, je n'en ai jamais été inquiet et ma sévérité les degoûtera de se révolter, comme ils l'ont fait souvent autrefois'' (Croix to Huechin, Mexico, July 26, 1768, in *Correspondance*, 214).

there been uprisings. . . . These would have assumed a general character if I had not at the first intimation of trouble adopted the measure of sending thither Gálvez with five hundred picked troops . . . to punish those most at fault. He so well discharged his commission that within a few days after his arrival he re-established general quiet everywhere. I even believe that peace will be enduring, owing to the exemplary punishment which the principal chiefs were made to suffer, and to the formation of a body of about 3000 militia, both infantry and cavalry, which Gálvez found means of raising without their costing the King a cent for uniforms or arms, as he provided these from his own *peculio* (resources).

Owing to lack of sufficient vessels for carrying the Fathers to Spain, the greater part of them are yet in Vera Cruz and its environs. But as the governor of Havana has just promised to send me a dozen vessels, I figure that within this month and the next I shall be entirely rid of them, excepting those of the California missions and the adjacent territory, who have not yet been able to reach the point of rendezvous. . . . The good Fathers are leaving us contentedly, at least in appearance, owing to the manner in which they have been cared for since their fall. But I believe that in their hearts they are in no wise pleased to be obliged to leave us. Every one is still weeping for them, at which there is no need for surprise. They were absolute masters of the hearts and consciences of all the inhabitants. . . . The value of the goods of all kinds which they leave amounts to a considerable sum. I am yet ignorant as to what disposition will be made of them, and until I know I shall deal with the property as did the Fathers in their time.[28]

How the events of the summer and fall of 1767 were viewed at Madrid, after a report on them had been received there from Croix, is best shown by a letter from Grimaldi to the viceroy, under date of December 22 of the same year. Grimaldi wrote:

Your letter, brought by the last mail from America, has given great pleasure to me as well as to the King, to whom I read it entire. His Majesty formally orders me to indicate to you in his name how well he is satisfied with your conduct, your zeal, your activity, and with the candor with which you speak of the affairs of that country.

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[28] Croix to Huechin, Mexico, December 24, 1767, in *Varias Cartas del Marqués de Croix;* the same general tenor marks the letter of Croix, dated Mexico, December 27, 1767, which appears in the *Correspondance*, 210–11. In the latter work, pp. 292–3, is given a brief outline of the administrative programme adopted for taking over the estates of the expelled Jesuits.

His Majesty admires no less the generosity with which you praise M. de Gálvez, who acts under your orders, while that minister reciprocates by giving credit to your zeal and your capacity, and attributes to you all that is well done. It is the fashion here to talk about men of merit, and it is great good fortune that you two have met in that vast empire, to remedy the evils and stop the thievery which arrest progress there.

The King is probably going to recompense Gálvez by naming him member of the Council of the Indies. Notice of this will be sent him, by the King's orders, through M. de Arriaga.

You also do yourself honor, after having spoken of the punishments received by the chiefs of the rebels, when you speak in favor of the oppressed Indians. The punishment was just, but it is now necessary to remedy injustice, and the King charges me to say to you that he counts upon you for the achievement of this end.

Enforce the laws, even literally, for you have the necessary authority to do what you find desirable; the King will approve your decisions.[29]

8. *Incipient revolution.*—The discontent and disorder engendered by the expulsion of the Jesuits and by the new energy of the government in collecting taxes was not confined to the native population, upon whom Gálvez had been visiting summary justice. There was, during the period just examined, an abortive movement toward separation from Spain, in which creoles and half-breeds were involved. It has been shown that the commercial class was discontented on account of falling profits in business and restrictive regulations of trade. There was disaffection among mine-owners, who feared rather than experienced loss from reduction of activity in many of the mines, while the mining properties of the north were rendered desolate by the incursions of rebel Indians. The clergy was distressed by loss of benefices and influence. The American-born Spaniards were coming to feel more and more the lack of opportunity which misfortune of birth brought upon them by keeping them out of the affairs of state.

There was thought of establishing a republic, when it was realized that the equality which existed among the native nobility precluded success to an indigenous monarchy. Two commissioners were sent from Puebla to Spain to meet with a Frenchman, M. Guiller, who had proposed a plan of revolution. The aid of England was sought in the enterprise by making a promise to cede to that power Vera Cruz and San Juan de Ulloa, and to purchase no European goods except from the English. A treaty to this effect was drawn up, but England refused to accede to the proposal. The viceroy, uneasy on account of the plan, recruited ten companies of militia, and more troops were brought from Spain in 1768. The attempt at separation fell through when England refused to listen to the project, but it is easy to see that affairs in Mexico were even then ripening for the developments of a generation later.[30]

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[29] *Correspondance*, 212-3.

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[30] Rivera, *Los Gobernantes de Mexico*, II, 414–5; cf. *Correspondance*, 257. Rousseau, I, 228, pays scant attention to the expulsion from Mexico, and says that uprisings favoring the Jesuits were relatively insignificant; the moderation of the Company, which possessed formidable power, might be a cause for astonishment, but violence was no part of the practice of this able and politic order. Fr. José Granados y Gálvez, a relative of the visitor who occupied ecclesiastical positions of importance in Michoacán and Valladolid, devotes a section (the sixteenth) of his *Tardes Americanas, Gobierno Gentil y Catolico, Breve y Particular Noticia de toda la Historia Indiana* (Mexico, 1778) to fulsome praise of Gálvez for his course in punishing the provincial rioters. Granados believed Spanish dominion was menaced (see the *Tarde decimasexta*, pp. 441–471).

CHAPTER VII

GALVEZ IN LOWER CALIFORNIA

When Gálvez had returned to Mexico from his expedition to the mining regions of Guanajuato and San Luis Potosí and to the district about Valladolid, he began to turn an anxious eye to conditions on the remoter northern frontier, where the power of Spain was suffering in a long drawn out contest with the Indians of Sonora and Nueva Vizcaya. During the entire period of his residence in New Spain he had been endeavoring to obtain funds with which to despatch a military expedition to these provinces. Not only did the military situation need attention, but, after the expulsion of the Jesuits, there was special need of providing a government for the peninsula of California, and of reorganizing the religious and civil affairs of the northern mainland provinces. Added to these needs for a strong hand on the frontier was the newly revived fear of Russian aggression from the north along the Pacific shoreline—a menace to the existence of New Spain.

1. *Plans to subdue the northwest.*—The activities of Gálvez in relation to the frontier dated from the beginning of his efforts to co-operate with Cruíllas to effect obedience to the royal order issued in October, 1764, for the prompt pacification of the Indians of the northern provinces. Quarrels between Cruíllas and Villalba had delayed effective obedience to the King's wishes. No sooner had Gálvez arrived in Mexico than he effected a reunion between the two military chiefs, and four *juntas de generales* were held during September, 1765, to plan measures for the reconquest of the frontier. These juntas planned to send a military expedition north at the beginning of 1766, while, as a temporary measure, two companies of infantry were despatched

thither at once.[1] Gálvez, at his own request, was intrusted with the important task of obtaining money to finance the expedition, for there was none in the treasury for the purpose. It was decided that flying companies of presidial soldiers and settlers, the latter to be paid only while on active duty, should be organized and sent against the rebels. Two brigantines were to be built on the Pacific Coast for transporting to Sonora a "formal expedition." The construction of such vessels for the commercial needs of the west coast had often been urged by the Council of the Indies upon the government of New Spain and upon that of Nueva Galicia alike; hence it was felt that the measure would now be approved by the King, because there was an actual emergency.

During the conflict of authority into which Gálvez and Cruillas were drawn, activity in regard to the frontier was again halted, and it was not until June 17, 1766, that the visitor was able to make a report to the King that progress had been made in collection of funds. From the *consulados* of Cadiz and Mexico, from a number of the bishops, from certain ecclesiastical bodies and some individuals, about 200,000 pesos had been promised, so that Gálvez believed or hoped that the expedition could be made "without cost to the royal treasury." This hope was vain, as will appear later. On November 19 the King approved of the activities of Gálvez in collecting funds, but expressed grave doubts as to the efficacy of a formal expedition, part of the plan for which included transporting to the frontier large numbers of settlers, to be drawn from the restless, undesirable class of poor residents of the large cities. The King did not share the belief of Gálvez that these people would make a formidable bulwark against future aggressions of the savages.

When Croix assumed the viceroyalty plans for the expeditionary movement were pushed with greater vigor than they had been under Cruillas. On December 6, 1766, a junta decided that the troops should move north as soon as possible. Another junta, held January 8, 1767, and composed, like the one preceding, of Croix, Gálvez, Juan Fernando de Palacios, Antonio Ricardos (these two *mariscales de campo*), and Diego Cornide, the viceroy's assessor, agreed to send to the frontier 400 soldiers. Two hundred of these were to be veteran dragoons and two hundred were to be fusiliers, half of the latter to be brought from Havana. The Havana troops were found to be unavailable, and a company of Catalonian volunteers was sent from Spain for the expedition. Some of these Catalonians afterwards marched under Lieutenant Pedro Fages on the Monterey expedition of 1769. From the five Sonora presidios two hundred more troops were to be put in the field. One hundred and ten militiamen in flying companies, and three hundred Indian auxiliaries, brought the number of the force to be used in Sonora up to 1100, aside from some volunteer officers drawn from the Guanajuato militia, who were to go as leaders of the projected frontier settlements. The expense for a year's campaign was estimated at about 70,000 pesos. None of this sum was to be taken from the royal coffers, as Gálvez assured his associates in the plan that he could pay for the brigantines, which cost 70,000 pesos, from the 100,000 pesos lent by the *consulado* of Cadiz. Two individuals had furnished 90,000 pesos, and the *consulado* of Mexico had advanced another 100,000 pesos as a loan, for the repayment of which a two-tenths per cent of the *avería* duty was hypothecated. Gálvez represented to Croix that this 100,000 was a gift, and was chided by the King for failure to specify in his report to Madrid that it was not.[2] All told, about 300,000 pesos were to be used on the expedition; as it eventuated, much more was expended. Gálvez expected to colonize the frontier as a result of the success of the military expedition with 40,000 persons from the district of the City of Mexico. The King considered the idea desirable but requiring very accurate planning, and ordered the viceroy to hold a junta to determine who should be charged with the execution of so comprehensive a scheme. This order was dated July 20, 1767. Hence it is apparent that Gálvez had, previous to that date by at least one mail, offered to head the expedition himself.[3]

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[1] Gálvez, *Informe General*, 140; Gálvez to Arriaga, Puebla, October 15, 1765; 88-5-20. See above, pp. 139-40.

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[2] "Il [Croix] avait la plus grande confiance dans les vastes connaissances, surtout en matière de finance, du visiteur Galvez et appuya ses projets, notamment celui pour les Intendants, quoique ce dernier n'etait été appliqué qu'en 1787" (Extrait des archives de Mexico, *Correspondance*. 260).

During the month of April, 1767, the military expedition proper, composed of about three hundred and fifty troops under Colonel Domingo Elizondo, whom Gálvez had befriended in a quarrel which the former had with Cruíllas over a question of military etiquette, set out from Mexico for Tepic on the west coast. Here the troops were to be quartered until the completion of the brigantines, which were to carry them to Sonora.[4] Elizondo did not arrive at Guaymas until March 10, 1768, the completion of the brigantines having been delayed. The movement of the troops against the Indians began in the same month. Some account of the military activities will appear later in the narrative.[5]

The despatch of this expedition was not accomplished without great effort and much planning on the part of Gálvez. His opponents in Mexico always looked upon the venture as chimerical; the King himself lacked enthusiasm for it. A letter written by Gálvez in confidence to the governor of Sonora, Juan Pineda, shows what subtle means the visitor would use to accomplish his ends. The letter bears no date, but contains internal evidence of having been written in the fall of 1766. Commending Pineda for the zeal with which he had executed some unnamed commission of Gálvez, the latter promises that Pineda's merits shall be rewarded by the government. After this inexpensive sop to official pride, Pineda is reminded how important is the project of sending the expedition, but that it will require some argument and urging to induce the new viceroy to have it ordered despatched, for that minister was being discouraged from doing so by enemies of Gálvez, who said that it would cost an inordinate sum, and ultimately prove a failure. He went on:

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[3] Teodoro de Croix, in a private letter of May 29, 1767, says of the Sonora expedition: "J'espère aller avec M. le visiteur général cette année ou l'an prochain; il a demande à aller y fonder des etablissements et à m'emmener, comme le seul à qui il put se fier" (*Correspondance*, 207). I. B. Richman, *California Under Spain and Mexico* (Boston, 1911), 396, says that Gálvez states in his *Informe General* of 1771 that he offered in 1765 to go to the frontier. Gálvez does state that the *juntas de generales* were held in 1765, and that he offered to go, but the time when he made the offer is not specified. It would be of interest to determine this date, as it would shed some light as to when Gálvez conceived the idea of the occupation of California, but the exact time has not been determined from any document discovered in the course of the present study.

[4] Croix to Arriaga, Mexico, April 25, 1767, No. 19, 104–3–2.

[5] *Extracto de documentos referentes a la expedicion de Sonora*, 104–3–2.

> From this information, which I give you informally and confidentially, you will infer how necessary it is . . . that you impress upon his Excellency at once the indispensable need of the expedition . . . and inform him that it is not impossible [to conquer the Indians once and for all by force], if the plan is adopted of sending thither veteran troops. You may add anything else which will remove the fear or hesitation which perverse envious persons desire to instill into his Excellency's mind through sheer malignity. . . .
>
> The Marqués de Croix, I repeat to you, esteems my discourse above that of all others, but as he observes that I am of another profession [not military], and as he knows that I have not been in that country, he may lack confidence in the success of the expedition, to which he sees me with the greatest ardor committed. Hence it is fitting that you, in your report to him, express yourself as forcefully as you did for the purpose of arousing enthusiasm in me—a *golilla* [mere lawyer]; in this case this will be the easier to do, as his instincts are all military.
>
> That your report may not be delayed, I am sending this letter by the courier which brought your latest letters, of August. It may be that his Excellency will not write to you by this mail which I am sending, but you, upon receipt of news of his arrival to assume command of the viceroyalty, may send him such a report, giving him account of everything.[6]

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[6] Gálvez to Pineda, without place or date, 104-6-9.

Whatever response Pineda may have made to this broad suggestion, the viceroy lent his support to the plan for the expedition more readily than Gálvez had anticipated; the junta of December 6, above mentioned, took up the idea with vigor; it may be that the influence of Pineda had some effect upon its decision.

3. *Gálvez to reform the frontier.*—The order of the King requiring a junta to determine who should head the frontier expedition was obeyed by Croix on January 21, 1768. It is not surprising that this junta chose Gálvez himself to go to the northern provinces to reorganize the affairs of government and establish colonies, just as soon as the military forces should have restored peace. The time for his departure was set for the middle of April; he was to go invested with the full powers of the viceroy, as he had previously gone when on the Guanajuato expedition. This permission was enough for the time being, but on February 21 the visitor presented to Croix a detailed plan for his journey, which was submitted to the reconvened junta on February 25. This junta, like that of January 21, was composed of Croix, Gálvez, Lorenzana, archbishop of Mexico, José Rodríguez de Toro, Ambrosio Melgarejo Santaella (both *oidores* of the audiencia), José Antonio de Areche, *fiscal del crimen*, Diego Cornide, the viceroy's assessor, Colonel Miguel Panes, and the brevet-colonel José Bassare, superintendent of the customhouse of Mexico and ex-president of the audiencia of Guadalajara.[7] The junta acceded to the desires of Gálvez as expressed in each of the fourteen proposals of his plan. Gálvez himself did not vote in the junta, but Juan Manuel Viniegra, his secretary at the time, says that he controlled the body, and dictated its decision three days before it met.[8]

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[7] *Acuerda la junta la conveniencia de pasar el visitador Galvez a Californias, Sonora y Nueva Vizcaya*, 104-3-2.

[8] Juan Manuel de Viniegra, *Sobre Galvez en America; apunte instructibo de la expedicion que . . . Galvez . . . hizo a la peninsula de California, probincias de Sonora y Nueva Vizcaya*, A. H. N., Estado, Leg. 2845, pp.

Briefly, the details of the plan of Gálvez for his northern expedition, as contained in the fourteen points which he submitted to the viceroy, and which were confirmed *verbatim* by the junta, were as follows:

First, it was agreed that Gálvez should go to the frontier in his capacity of visitor-general and intendant, but also with the express authorization of the viceroy to act as his *lugar teniente* (literally, his "place-taker"); all officers of the frontier were to be apprised of his possession of this power, by virtue of which they were to be directly subject to his orders.

Second, he was to leave Mexico on April 1, instead of in the middle of the month, as the first junta had voted, so that he could sail from San Blas for California before sea conditions should become unfavorable with the advancing season.

Third, the goods and funds destined by pious foundations for the propagation of the faith in California and found existing in the *procuraduría general* of the Jesuit missions at the time of their sequestration should be kept distinct from all other Jesuit funds and used for the payment of the salaries of the Franciscans in the peninsula and for the expenses of founding new Indian towns near the established missions of the new province.

Fourth, the appropriation (*situado*) for the two presidios and for the two vessels used for communication with California, which amounted to 32,525 pesos annually, should be temporarily continued; the existing delinquency of two years' payments of this

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25–26; this document was prepared by Viniegra in 1773 at the request of Arriaga. Viniegra had been removed from his secretaryship and imprisoned, in company with his confreres, Azanza (afterwards viceroy of New Spain) and Argüello, for having written to his friends and to the viceroy that Gálvez had become insane during the Sonora campaign. The document here cited is in support of his plea for reinstatement in the government service. Its statements, so far as they can be checked up by the official reports, are in the main correct, though the writer's wrongs at the hand of the visitor colored his judgments with great bitterness, and his characterizations of his former superior are harsh to the point of lack of dignity. Nevertheless Viniegra's petition, hitherto unused, furnishes much valuable data for the account of the California and Sonora expedition.

appropriation, which had been borrowed from the Jesuits' funds, should be paid up.

Fifth, San Lucas, being the point of the peninsula most exposed to foes who might come by sea, should, at the discretion of Gálvez, be defended by the garrison then at Loreto, within the Gulf of California.

Sixth, when frontier towns should have been established so that Sonora and Nueva Vizcaya were protected from Indian raids, Gálvez was to report to the viceroy a scheme for reforming the line of frontier presidios so that some of the eleven existing ones could be eliminated, thereby relieving the exchequer of a part of the intolerable burden of their support.

Seventh, with this idea of reducing expense for the presidios, it was understood that the frontier towns which Gálvez was to establish were to be peopled with armed colonists who were to compose a provincial militia which could subsist upon its own frontier resources. It was also understood that Gálvez was to apportion individual and communal lands to all settlers, whether Indians or Spaniards, upon the same plan as was then being used for the establishment of colonists in the Sierra Morena in Spain.[9]

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[9] Ferrer del Río, *Historia del Reinado de Carlos III*, III, 5–57, presents a well written chapter on the Sierra Morena colonies, in which the state documents are used. Briefer mention is made of them in Fernán-Núñez, *Vida de Carlos III* (Madrid, reprint, 1898, *Libros de Antaño*, vols. 14, 15), I, 223–4, and II, 68–9; see also Joseph Addison, *Charles III of Spain*, 121–3. The plan for these colonies, written by Múzquiz and Campomanes, and printed in the *Novísima Recopilación*, libro 7, título 22, ley 3, is, says Rousseau: "The image of an ideal society, such as was conceived by economists of the Aranda school, a society [of German and Flemish colonists] without elderships (*majorat*), without restraints of any kind, without mortmain, without friars or other religious, without doctors (professors), with primary schools obligatory; with municipal offices temporary and elective instead of salable and permanent; without the *mesta* (court of the flock and herd keepers), even without horned cattle save for labor, with cottages sprinkled over the arable fields, each having its own enclosure, etc." (Cited from Joaquín Costa, *Colectivismo agrario en España*, Madrid, 1898, p. 118.) See Rousseau, II, 44–54.

Eighth, for the expenses of these new settlements Gálvez was to be granted the third part of such sums as his efforts might *add* to the royal revenues of the frontier provinces. In this way, according to the visitor, no real expense would fall upon the treasury, while the public funds would be twice repaid by the advantages which his measures would probably produce.

Ninth, on the frontier of Sonora, midway between California and Nueva Vizcaya, Gálvez was to establish a town which should later become the seat of government for a new *comandancia general* and a new bishopric.

Tenth, two or three persons from each company of the provincial militia already organized were to be allowed to volunteer to go with Gálvez to establish the new towns in the frontier provinces.

Eleventh, free commerce should be declared between the peninsula of California and Sonora; annual fairs should be held in Guaymas and Loreto. San Blas and Acapulco should be made free ports (*puertos habilitados*), whence goods might be shipped duty free in the new brigantines and in other public vessels, with moderate freight charges, for the Gulf voyage.

Twelfth, the viceroy should give Gálvez 1000 quintals of mercury on his Majesty's account, to be taken to California and Sonora to sell at reduced prices for the advancement of mining, so that increased revenue might be obtained through added production of the precious metals.[10] For the same object, one hundred and fifty or two hundred quintals of gunpowder were to be furnished, and permission was granted in advance that more might be manufactured in California if necessary, as it was supposed that there were in the peninsula abundant beds of sulphur which could be so utilized.

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[10] In 1590 mercury sold in Mexico for 187 pesos per quintal. By 1750 the price had descended to 82 pesos. Between 1767 and 1776 it was sold at 62 pesos. When Gálvez became minister of the Indies the price of mercury from the mines of Almadén was fixed at 41 pesos 2 reals. German quicksilver, imported, was valued at 63 pesos. The miners paid the freight to the point of delivery, the added cost amounting at Guanajuato to two and a half pesos. The royal treasury profited twenty-three per cent on its German mercury. The price of quicksilver had a marked effect upon its consumption. In 1762–66 the price was 82 pesos, when 35, 750 quintals were consumed; in 1767–71 the price was 62 pesos, when 42, 000 quintals were consumed; in 1772–77 the price was 62 pesos, when 53, 000 quintals were consumed; in 1778–82 the price was 41 pesos, when 59, 000 quintals were consumed (Humboldt, *Political Essay*, III, 283, 285).

Thirteenth, for all the objects of the commission Gálvez was to have power to appoint at San Blas, in California, Sonora, and Nueva Vizcaya all ministers of government and real hacienda whom he might deem necessary, subject only to later approval by the viceroy and the confirmation of the King.

Fourteenth, as the expedition would necessitate personal expenses greater than the salary of the visitor would suffice for, these were to be met from the public funds of the expedition.[11]

Croix reported the unanimously favorable action of the junta on these propositions to Arriaga by letter of February 29, referring to the enterprise upon which Gálvez was embarking as the greatest which had been undertaken in New Spain since the days of the Conquest. He lauded the zeal of the visitor and besought royal approval of the details of the plan. This was granted by royal order of September 20, 1768, Gálvez being at that time in the midst of his operations in California, having unhesitatingly assumed that approval would be forthcoming.[12]

Preparations for his expedition being completed, Gálvez, accompanied by a retinue which included a number of persons from Guanajuato and San Luis Potosí who intended to settle on the frontier, set out from Mexico on April 9. The visitation of the tribunals and of the royal treasuries was left in the hands of Juan Antonio Valera and Bartolomé Montenegro. Litigation of the visitation was placed in charge of José Antonio Areche, fiscal of the audiencia.[13] On the 22nd of April the visitor arrived at Guadalajara. Here his subdelegate of the visitation, Eusebio Ventura Beleña, had been at work for a year. He had previously been intrusted with the expulsion of the Jesuits and the sequestration of their estates, and had now just finished the visitation of the subtreasury. All this work was ready for the final judgment of the visitor at the time of his arrival. On May 2 Gálvez, in strong contrast with his course everywhere else, pronounced every official connected with the subtreasury or with the audiencia of Guadalajara to have been upright and faithful in discharge of duty. Several of them he mentioned by name in his report, recommending them for increases in salary.[14]

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[11] *Acuerda la junta, etc.*, cited above. Gálvez to Croix, Mexico, February 21, 1768, 104-3-2.

[12] Croix to Arriaga, Mexico, February 29, 1768; Arriaga to Croix, San Ildephonso, September 20, 1768; 104-3-2; Gálvez, *Informe General*, 141.

[13] Rivera Cambas, *Los Gobernantes de Mexico*, I, 416.

While he was in Guadalajara, Gálvez appeared in person before the audiencia, showed his commission, and enlisted the sympathy of that court for his enterprises. Concluding his stay, he departed for San Blas on May 4. No sooner had he gone than Beleña appeared before the audiencia and asked that body to write to the King approving all measures projected by Gálvez, including the plan for a naval station at San Blas, a new government mint, and a new subtreasury for the frontier. Particularly did Beleña ask the audiencia to congratulate the King upon the fact that Gálvez had been the one chosen to execute all these plans. The audiencia did as Beleña requested, forwarding a glowing account of all that Gálvez planned, and recommending his activity to the King, under date of May 18. One of the *oidores,* however, Ramón Gonzáles Becerra, opined that the audiencia was overzealous and officious in doing this, inasmuch as the affairs which it had ventured to discuss were entirely under control of the viceroy and the junta which had voted for the journey of Gálvez. Becerra wrote to the King, expressing his disapproval of the recommendation by the audiencia, though his own name had been signed to it, under protest. There is no direct evidence that Beleña made this request of the audiencia at the suggestion of Gálvez, but it is a matter of record that Becerra was later made to feel the visitor's disapproval, as he was suspended from his position upon the charge that he had needlessly absented himself from meetings of the audiencia.[15]

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[14] *Manifiesto de la conducta observada por Eusebio Bentura Beleña* . . . April 9, 1772, 104-3-3. This document, submitted by Beleña to Bucarely in support of the former's petition for re-employment after having been discharged by Gálvez, is a long account of the career of Beleña, particularly of his experiences as subdelegate of Gálvez. Like many others, Beleña incurred the wrath of the visitor by writing letters which mentioned the latter's mental incompetence during a part of the Sonora campaign. He was not imprisoned, nor were charges brought against him, but he was removed from his employment just as he was about to be confirmed as first intendant of Sonora and Sinaloa, a position in which he actually functioned without formal appointment. The visitor placed Pedro Corbalán in the position to which he had recommended Beleña. This was due in some degree to dissatisfaction concerning the course pursued by Beleña in subduing a revolt among the Rio Fuerte Indians in Sonora; Gálvez believed that Beleña was responsible for the fact that the war in Sonora was so protracted. There was also some suspicion that Gálvez bore a grudge against Beleña because the latter sent a fine nugget of gold from the Bacubirito mines to the King direct, instead of through his immediate superiors.

Beleña was a man of great ability and learning. He had taken university degrees in both civil and canonical law, and had begun to study for holy orders when he was taken into the service of the viceroy and the visitor. He was the author of several legal works of standing. At the time of the death of Bernardo de Gálvez, nephew of the visitor and viceroy of New Spain, Beleña was *regente* of the audiencia, having recovered government favor under Bucarely.

On the second day of his journey toward San Blas from Guadalajara, Gálvez was overtaken by a courier from the viceroy, bearing a despatch from Grimaldi ordering measures to be taken for preserving California from encroachments by the Russians, who were reported to be making rapid progress in the occupation of the Pacific Coast from Alaska southward, though it was not known how far south they had advanced. That their movement was in some force was believed from the rumor that three hundred Russians had been killed in battle with American Indians.[16]

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[15] Becerra to the King, Guadalajara, June 14, 1768, 104-2-13.

[16] Grimaldi to Croix, Madrid, January 23, 1768, Mexico, *Archivo General, Reales cédulas y ordenes,* 92, f. 58, Bolton transcripts. On the rumors of Russian aggression see Miguel Costansó, *Diario Histórico (Publications of the Academy of Pacific Coast History,* Vol. I, Berkeley, 1910), 91–159; another translation appears in the *Land of Sunshine,* Vol. XIV, 486–96, XV, 38–49, Los Angeles, 1901; see also Richman, *California under Spain and Mexico,* Chapter V, and note, p. 396.

The viceroy's letter to Gálvez, enclosing Grimaldi's order, was dated April 30. Gálvez, replying to this letter on May 20, said:

> In fulfillment of his Majesty's order communicated to you on January 23 by the Marqués de Grimaldi, concerning repeated attempts which the Russians have made to open communication with North America, and in consequence also of what you command in your letter of April 30, inclosing a copy of the above-mentioned order, and recalling to mind the many conversations and reflections which we have previously had concerning the supreme importance and utility of taking possession of the port of Monterey and establishing there a presidio, I am obeying your order to take such measures as I deem fitting for reaching that place by land or sea. As you leave to me discretion for the fulfillment of this order, it has seemed to me both fitting and necessary that I should inform you from here of the resolution which it was thought proper to take in this weighty matter.[17]

3. *Occupation of Alta California planned.*—It is evident that Gálvez wished before leaving Mexico to effect the occupation of Monterey, but there is not yet complete evidence that he had determined to do so before receiving Grimaldi's order. The anonymous author of the *Providencias de Galvez* referred to in Chapter V[18] says that Antonio Ricardos went to Spain in 1767 and urged the occupation of Monterey upon Grimaldi, and that this was the means whereby Gálvez worked upon the apprehension of that minister. This statement is borne out by that made in the project for the establishment of a *comandancia general* in the northern provinces: "Don Antonio Ricardos left here last year for the purpose of making a well-ordered memorial concerning [foreign attempts at establishment on the Pacific Coast] from facts more readily obtainable in Europe [than in New Spain]."[19] If Ricardos influenced Grimaldi in Gálvez' behalf

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[17] Gálvez to Croix, San Blas, May 20, 1768, 104-3-2.

[18] See Chapter V, note 9.

[19] *Expediente sobre una capitanía general*, 1768, 103-3-23.

we have no authoritative statement of that fact. It is not likely that such influence was greatly needed. We only know that Gálvez reached San Blas on May 13. Here he had established a naval base, on the advice, it was said, of a merchant, one Manuel Rivero Cordero, to whom was given the contract for putting up such buildings as were needed and making other improvements. It was not considered a favorable place for docks, as the harbor was small and bad and the water shallow.[20] The town was an inhospitable place, the climate was hot and sickening, and the air full of insect pests from the swamps. Yet Gálvez "maintained a calm exterior so as not to discredit a town which he had founded at great expense, and which he desired to maintain."[21]

The visitor remained in San Blas two weeks, attending to affairs of the visitation and preparing for the voyage to California. Among his measures taken at that place were the following: Diego Fernández, a mining expert who was with Gálvez, was ordered to inspect all gold and silver mines in the Tres Marías Islands, California, Sonora, Sinaloa, and Nueva Vizcaya, and arrange their affairs. Manuel Rivero Cordero, who was building the port, was encouraged to go on with the work, which included erection of houses, the building of roads, and the completion of the dock. A recommendation was sent to the viceroy, urging the early occupation of the Tres Marías as an outpost against foreign aggression. Especial care was to be taken lest the Russians should come unawares. Regulations were made concerning the wages to be paid to laborers, fishermen, etc., and rates of freight and passage across the gulf in the royal vessels were established. All the revenues of real hacienda were placed in the care of Juan de Urrengoechea, who was made accountant (*contador*) of the port of San Blas. The production of salt was regulated by instructions, and its refinement and sale were prohibited except under permission to be granted by the governor.[22]

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[20] Pedro de Rada to Arriaga, Mexico, December 21, 1767, A. G. de I, Estado, Aud. de Mex., Leg. 1, Doc. 99.

[21] Viniegra, *Sobre Galvez en America*, A. H. N., Leg. 2845, 28. The maintenance of this maritime center, with its department, was a bone of contention for many years. The inadaptability of the harbor, owing to the shifting sands of its bottom, as well as the noxious climate of the port, were frequently urged against its utility, and it was more than once on the point of abandonment. It continued to be an important harbor, however, especially when, after the development of the whaling industry and the fur trade on the Pacific, large numbers of foreign vessels began to frequent the west coast (Revillagigedo, *Instrucción Reservada*, arts. 703, 707). See also C. E. Chapman, "Difficulties of Maintaining the Department of San Blas, 1775-1777," in *The Southwestern Historical Quarterly*, Vol. XIX, No. 3 (January, 1916), pp. 261-70.

The most important work done at San Blas was that of a junta which decided upon the details of the proposed voyage to San Diego and Monterey by the new brigantines, the "San Carlos" and the "San Antonio," which were the largest and strongest vessels on the coast. The junta was composed of Gálvez, the engineer Miguel Costansó, the *comandante de la marina* Manuel Rivero Cordero, Antonio Faveau y Quesada, mathematician and pilot, and Vicente Vila, pilot of the royal navy. The decision of this body was that a voyage to Monterey should be undertaken in June or July either from San Blas or Cape San Lucas. At the same time a land expedition should be sent from the northern missions of California to take possession of Monterey and build a presidio. Preparations were to begin at once for collecting materials to be carried by the two brigantines, which were yet absent on the expedition to Guaymas with troops for the Sonora war. The vessels were to be sent to Cape San Lucas as soon as they returned to San Blas. Details as to route and personnel of the crews were also arranged, and included the sending of Costansó as engineer, to draw maps of the ports to be occupied.[23]

On May 24 Gálvez left San Blas in the bilander "Cinaloa,"

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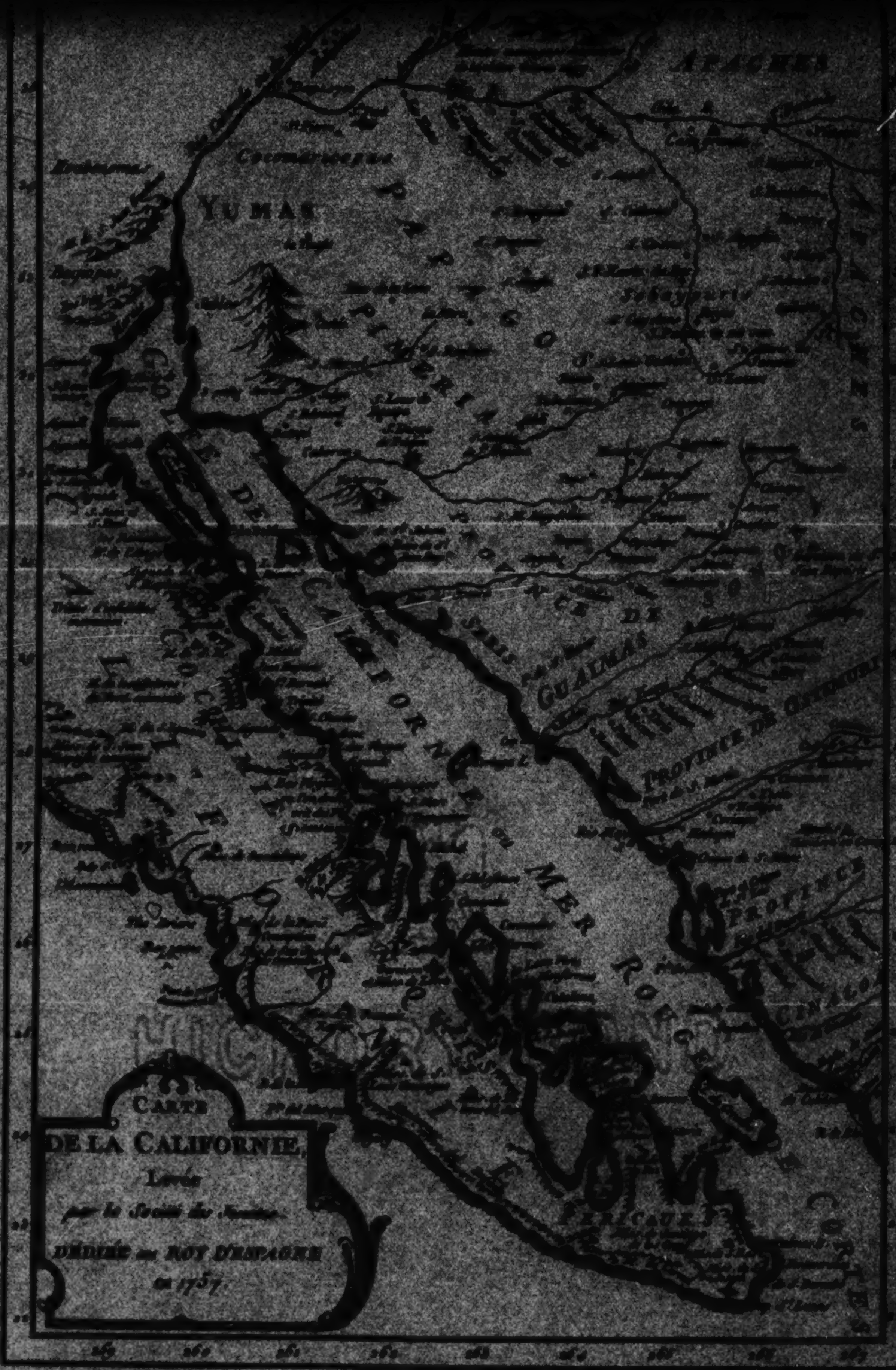
[22] Gálvez to Croix, San Blas, May 18, 20, 22, 24 (fourteen documents), 104-6-14.

[23] *Acuerda la junta*, May 16, 1768, 104-3-3; see also Costansó, *op. et loc. cit.*


APACHES
YUMAS
PAPAGOS
PIMERIA
GOLFE DE CALIFORNIE ou MER ROUGE
PROVINCE DE SONORA
GUAIMAS
PROVINCE DE OSTIMURI
PROVINCE DE CINALOA
COCHIMIES
CALIFORNIE
PERICUES
CORTES
CARTE
DE LA CALIFORNIE,
Levée
par la Société des Jesuites
DÉDIÉE au ROY D'ESPAGNE
en 1757.

4. Jesuit Map of California, reproduced from the *Histoire naturelle et civile de la Californie* (Paris, 1767), a translation of the *Noticia de la California* written in 1739 by Miguel Venegas and published in 1757 by Andrés Marcos Burriel.

his party embarking in the packet "Concepción" and the bark "Pisón." After seven days' sailing, the "Cinaloa" was forced to anchor at Isabella Island on account of a storm. Four days later the "Cinaloa" put in at the Tres Marías, the other vessels having previously been lost sight of. This group of islands was thoroughly explored by Gálvez during a six days' sojourn, during which time he took formal possession of them in the King's name. It is said that he left an inscription carved on the tallest tree of the southeastern island of the group which read: "Gálvez took possession for Spain in June, 1768."[24] Sailing from the Tres Marías on June 13, the "Cinaloa" was driven to Mazatlán, where Gálvez remained until July 2, and reached Cerralvo, in Lower California, on July 5.[25]

At last, after a journey of forty days from San Blas, the visitor had arrived in the land of his golden dreams—California. The "San Antonio" and the "San Carlos" were nearly three months in reaching La Paz, affording an interval in which Gálvez put forth incessant efforts to organize the affairs of the peninsula, this being his original mission there. So much has been written concerning Gálvez in California, especially in regard to his measures for the missions and for the Monterey expeditions, that it would be an ungrateful task to attempt to reiterate the details of his nearly ten months of activities there in connection with those affairs. The concern of the present writer is to emphasize the fact that the errand of Gálvez in California was primarily to increase the royal revenues. The interests of the missions were quite secondary to this; even the Monterey expedition, undertaken as a measure of national defense, was considered the initial step in adding a rich domain which would increase not only the area but the riches of New Spain and, of course, the revenues. Whatever there may have been of personal ambition in the project, it was the prospect of increased national wealth that gave color and warrant to the undertaking.[26]

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[24] Viniegra, 29. The *Providencias de Galvez* varies the wording of the inscription slightly.

[25] Viniegra, *op. et loc. cit.;* see also Richman, 397, note 11; letter of Croix, Mexico, August 25, 1768; in *Correspondance*, 214–5; another letter by Croix, dated December 29, 1768, says in part: "Quant à M. de Galvez, visitador général, il est arrivé le 5 du mois en Californie et, d'après ses lettres, cette péninsule rendra beaucoup au Roi par ses mines d'or et d'argent qui sont inexploitées jusqu'à présent, mais pourront bientôt l'être grâce aux mesures que prend ce ministre."

Again, on December 29, the viceroy wrote: "La Californie, qui a toujours passé pour un pays entièrement stérile, pourra dés l'année prochaine maintenir par elle-même tous ses habitants sans qu'il en coûte un sou au Roi" (*Correspondance*, 216).

4. *Peninsular missions reorganized.*—When Gálvez arrived in California the peninsula was under the control of its first governor, Gaspar de Portolá, who had been sent to expel the Jesuits and install the Franciscans of San Fernando in the relinquished missions. The Franciscans had been in control of the spiritual affairs only of the fifteen missions since the preceding April 9. Beside the missions, the chief activity of the peninsula was confined to the royal mining camp of Santa Ana, where Manuel Osío had a farm. In this camp Gálvez took up his abode and prepared for his work. On July 12 he announced to Serra, president of the missions, his arrival, and asked for reports on the status of the country, its inhabitants, and the condition of the missions.[27] Meanwhile he undertook a personal inspection of the missions of the southern part of the peninsula. He found that all the establishments had suffered from the management of the soldier commissaries to whom Portolá had been obliged under the viceroy's orders to confide the temporal affairs of the

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[26] Among the principal authorities on Gálvez in California may be mentioned the following: Francisco Palou, *Noticias de la Nueva California*, in *Documentos para la Historia de Mexico*, Cuarta serie, VI, and VII (Mexico, 1857, also San Francisco, 1874, 4 vols.); Palou, *Relación Histórica de la Vida . . . de . . . Junípero Serra* (Mexico, 1787); Bancroft, *History of California* (San Francisco, 1884–90), I; *North Mexican States* (San Francisco, 1884–89), I; Richman, *op. cit.*, Chapter V, and notes; Fr. Zephyrin Engelhardt, *The Missions and Missionaries of California*, I, *Lower California* (San Francisco, 1908).

[27] Gálvez to Serra, Cerralvo, July 12, 1768, Archivo General, Mexico, *Documentos relativos a las misiones de California*, Qto. I, Bolton transcripts.

missions. The first step was to restore to the fathers management of the temporalities of the missions, and this was done on August 13. The report on the population showed 7149 souls in the peninsula, the Indian inhabitants being so unevenly distributed among the missions that some of these could not support their neophytes, while others lacked sufficient laborers for their lands.[28] Two of the missions, Dolores and San Luis Gonzaga in the south, being judged incapable of improvement, were given up, their eight hundred Indians being removed to the mission of Todos Santos. The Indians of the latter place were moved to Santiago to form the nucleus of an Indian pueblo. San Luis Gonzaga was given to a retired soldier, Felipe Romero, that the place might be maintained as a way station for the journey from south to north through the peninsula; the condition imposed was that Romero and his family should settle there. In the north, the populations of Guadalupe and Santa Gertrudis were moved to San José de Comundú and Purísima Concepción, where nature had been more kindly in furnishing land and water. Gálvez also wished to move the Indians from Santa María in the north to San José del Cabo, but desisted from this design upon the representations of Father Lasuén that his Indians would not be willing to go so far from home, nor would they thrive if sent. Provision was also made for bringing food and clothing from the mainland for the Indians, for one of the anxieties of the visitor was that the peninsula might look more prosperous and the people more civilized when the scientific expedition under Chappe d'Auteroche, coming to observe the transit of Venus, should arrive.[29]

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[28] At the close of the century the number of *Indios reducidos* was only 5000 in sixteen mission villages. Santiago and Guadalupe remained without inhabitants. The number of savage Indians was estimated at scarcely 4000 (Humboldt, *Political Essay*, II, 285–6).

[29] Palou, *Noticias de la Nueva California*, I, Chapter xiv, 68; Bancroft, *North Mexican States*, I, 694; Gálvez, Decree, Santa Ana, August 21, 1768, No. 1, 104–3–2.

As a further result of his visit to the south, Gálvez decided that San Lucas should have a colony, it being, from its strategic location, the key to the Spanish possessions on the west coast. By decree of August 12, lands were offered to colonists, in exchange for suitable returns in improvements and light taxes. Of this attempted colonization at Cape San Lucas Viniegra said that there were built there in the course of a year only two huts, sheltering but nine persons. At the Real de Santa Ana there were a few more, and ten or twelve huts at La Paz, inhabited by only one man and one woman.[30] A post was established at San Bernabé to serve as a relief station for the Manila galleons, while that at La Paz was to protect vessels from the mainland which might come with supplies for Santa Ana. This latter settlement was, next to Loreto, the chief solicitude of Gálvez.

At Santa Ana were located the mines from which it was hoped that funds could be obtained for paying the expenses of the northern expeditions, as well as the greater part of the expenses of operating the peninsular government. Here a church with a priest was established, a lieutenant-governor for the southern district of the peninsula was installed, and an attempt was made to establish a school where young Indians might be taught useful employments. The life of the Santa Ana settlement was the mines of the same name; here houses were bought from Osío, and machinery was installed for refining gold. The mines, however, proved so unsatisfactory that a number of miners who had been brought from Guanajuato to work them had to be sent home, there being no employment for them. Other miners from Sinaloa were retained for a short time. Viniegra said that no metal was refined from these mines at all, and that the bars of silver which Gálvez sent to Mexico were taken from the missions, having been left there by the Jesuits, as were also some pearls which he sent to the viceroy under pretense that they had been obtained from a state of nature during his stay in California. Whether this is true or not, it is true that the mines were so unsuccessful that in 1771 they were ordered sold or given away. Osío, the wealthy mining operator, rented a part of the royal mines at Tescalama, but soon died, leaving his estate impaired by the speculation.[31]

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[30] *Sobre Galvez en America*, 31; cf. Engelhardt, I, 330, citing Bancroft and Palou.

It would be fatuous to burden this narrative with the details of the preparations for the expeditions to San Diego and Monterey. They have been often told by the writers cited above, and no merit could ensue from their repetition here. The "San Carlos" arrived at La Paz in December, 1768, in unseaworthy condition, and was, by heroic effort, prepared and started on her voyage on January 9. The "San Antonio" reached Cape San Lucas on January 25, and was despatched for the north on February 15. Of the land expeditions, the first, under Captain Rivera y Moncada, started from the newly established mission of San Fernando de Velicatá on March 24, while the second, under Gaspar de Portolá, followed the first on May 21. Gálvez had meanwhile finished his business on the peninsula, and had departed for the Sonora coast on May 1.[32]

It only remains to iterate that this occupation of the upper California ports was the conception of Gálvez, and of him practically alone. The college of San Fernando, which had charge of the California missions, was bitterly opposed to the plan of establishing so many new missions as were projected, at such remote distances. The original idea was to have three missions in upper California, while five were to be placed between Velicatá and San Diego. Those of upper California were, as is well known, increased gradually, whereas the desert country of the peninsula obtained no more. Had the plan been consummated, a route from the extremity of the peninsula to San Francisco would have been established, the missions occurring at easy intervals for travel by the existing means. The college of San Fernando regarded the plan as quixotic, as perhaps it was, with the feeble resources which Spain was able to lend to the occupation of so vast a territory. The funds available at the beginning were all too inadequate, and the struggling missions of the south were never as prosperous as the visitor-general expected them to become. And yet, with all the poverty, the hardship, and imminent failure of the expeditions, the remarkable thing is that they were undertaken at all. Only an invincible will like that of Gálvez could have brought them about. It has long been the fashion to say that to Fr. Junípero Serra does California owe her settlement by the Spaniards. That Serra was an enthusiastic supporter of the plan of Gálvez is not to be questioned, nor that he saved the expedition at San Diego when Portolá, discouraged at the sickness and sorry plight of the first expeditionaries, was ready to attempt to save his party by returning to the peninsula in search of food. But Serra had nothing to do with the conception of the plan. He was even chosen president of the California missions without his own knowledge, and sent thither without opportunity of refusal. It was not until Gálvez, being in the peninsula, acquainted him with the project that he entertained it, and his own college would have restrained him from entering as heartily as he did into the visitor's plans had it felt equal to opposing Gálvez.[38]

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[31] Bancroft, *North Mexican States*, I, 488, and note 46; Humboldt, *Political Essay*, II, 278.

[32] Palou, *Noticias*, I, chapters viii-xiii; *Relación Histórica*, Chapter xiii, Bancroft, *North Mexican States*, I, 491–8; *History of California*, I, 110-125; Richman, Chapter v, and notes; Engelhardt, I, 330–60; Gálvez, *Informe General*, 141–7.

5. *Bases of California government.*—The measures of the visitor for the habilitation of the peninsula as a governmental unit were numerous. Some of them have already been indicated. Among others was a *bando* of October 18, prohibiting commerce

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[38] Letters of the Father-guardian, Verger, to Casafonda, June 30, August 3, 1770, British Museum transcripts, Bancroft Library.

in gold and silver which had not paid the royal fifth. Still another order, of November 2, prohibited commerce with the Manila galleon upon its arrival for supplies at the peninsula. For the protection of the country, three companies of militia were organized, the third being completed by February 16, 1769. These militia were cavalry companies of forty men each. In addition to these regulations, a number of others were issued by the visitor after the despatch of the Monterey expeditions and just prior to his departure for Sonora on May 1, 1769. A body of nineteen decrees was preserved in the archives at Mexico, some of them dating from the fall of 1768, but all of them included in the instructions which were given to the second governor of California, Matías de Armona, and to the later governors, Neve and Barri. These nineteen decrees are important and interesting as the first set of laws for the new province; some of them caused a number of serious disputes which impeded the happy development of peninsular prosperity.

The first decree of the list was dated April 19, 1769. It provided for the repopulation of the Real de Loreto as the capital of the peninsula, by ordering one hundred families of Indians to be settled there. Gálvez was determined to improve Loreto because it had a fair port for the royal ships, and was well located geographically with relation to all parts. The rehabilitation of the town and mission was to be accomplished by the governor-intendant and the president of the missions. The natives were to be brought thither in installments of twenty-five, the first of whom were to build houses for themselves and those who were to come later. By the second decree, these Indians were to be furnished rations of corn for one year, to be charged against their community property. The temporalities were to be in charge of the acting president, Fr. Francisco Palou. He was to see that the rations were distributed to the Indians, and provide the governor and commissary-general with vegetables and fruits from the mission garden. He was to supply the settlement with salt or fresh meat, according to the season, at prices established by regulation, "and to do all tasks of any kind which belonged to the royal service under orders from the governor, to whom all vassals of the King . . . are subject, and whom they must obey."

Decree number three provided for bringing forty orphan boys from the other missions to Loreto, to be put under the tutelage of Father Palou to learn pearl-fishing and navigation. They were to be fed and clothed from public funds until the first harvest of the mission crops.

The fourth decree reiterated and amplified the foregoing provisions concerning the services of the father-president in bringing Indians to Loreto.

Number five is a particular instruction to be observed in the re-establishment and public ornamentation of the pueblo and primitive mission of Loreto. The instruction is prolix, containing fourteen articles. The first Indians to be brought to Loreto were to construct forty or fifty houses, each twelve *varas* (yards of thirty-three inches) wide by twenty-five long. The houses were to be divided into rooms, and have corrals for animals and poultry. The streets were to be sixteen *varas* wide, and trees were to be planted at specified intervals in front of each house. The Indian town was to be separated from the Spanish town, and each was to have its plaza. The prescribed measurements and location of all public buildings were given. These buildings were to be placed on the desirable (gulf) side of the town. All houses were to be whitened within and on the façades. For their labor in constructing the town the Indians were to have rations, but no wages. Any of the existing houses which interfered with the plan of the new town were to be torn down, and the owners compensated by new ones. The houses were to remain the property of the crown, and the occupants were to pay a small rental for them. Every Indian who was head of a family was to be allotted one *suerte* of ground two hundred by one hundred *varas* in dimensions, besides his house-lot (*solar*), and his share of the communal lands of the pueblo (*ejidos*), which latter were to consist of from sixteen to twenty *suertes*, for which the father-president was to make formal request of the governor. All records of allotments were to be kept in a book called the *libro de población*. Spaniards might have two or more *suertes*, according to their deserts, but no one was to be allowed to plant olive trees or grapevines, lest the viticulture of Spain be injured thereby.[34]

The foregoing decrees were issued on April 29, 1769. On the next day, April 30, the visitor reserved for the royal service a number of animals on the stock farm of San Juan. Twenty-four mules, eighteen horses, twelve burros, and six yoke of oxen were so reserved. Wagons were to be built on a model to be obtained from the southern missions.

Decree number seven, dated at Cuirimpo, in Sinaloa, May 14, set the wages of Indians engaged in ordinary tasks of the royal service at six pesos per month. In all extraordinary tasks, such as the public works at Loreto, all Indians must be made to work at whatever tasks the governor might give them in *repartimiento*.

Decree number eight concerned reduction of the price to be paid to the missions for figs and raisins.

By the ninth decree, from La Paz, November 18, 1768, soldiers were to be given no goods from the missions except for cash payment, as they now received their pay in coin.

The tenth regulation included two others, the eleventh and twelfth, which had been issued first by Gálvez at San Blas. They were repeated from La Paz on March 2 and 18. They provided minute rules for the charges to be made for passage from the mainland to California in royal vessels, and for the rations to be furnished to passengers and crews.

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[34] See above, pp. 27, 28, 34.

By the thirteenth decree, dated at Loreto, April 27, 1769, Spanish servants in the missions were to be considered as supernumerary soldiers with military rights (*fueros*); they might wear leather jackets, bear arms, etc. They must live on their wages, and need render military service only in case of public danger, when they were to be paid as were the provincial militia.

By the fourteenth and fifteen decrees, Manuel García Morales was named as inspector and collector (*juez veedor* and *cobrador*) of the pearl and salt duties. His duties as inspector of the pearl fisheries were not arduous, as few pearls were then being obtained.[35] The salt was more productive. García had two canoes, with crews, to carry all the salt he could obtain to the royal warehouses of La Paz and Loreto. Salt from California was very fine and white, and Gálvez expected it to become an article of commerce with the mainland.

The sixteenth decree, issued from Loreto, April 29, 1769, was a regulation for salaries and wages of laborers. By its provisions, mine laborers, herdsmen, day laborers, and teamsters were to receive eight pesos per month in money and weekly rations of one *almud* [one-eighth of a *fanega* (*quintal*)] of corn and one-half *arroba* (twelve and one-half pounds) of meat, dried or fresh. Under-shepherds and eighteen-year-old assistants of teamsters were to have four pesos and the same rations. Native Indians, if not lazy, were to have six pesos and the same rations. Those under eighteen years of age were to have three pesos. Foremen in mines, on farms, and over herds were to have not less than ten pesos, and the same rations.

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[35] "During the stay of the visitador Gálvez in California, in 1768 and 1769, a private soldier in the presidio of Loreto, Juan Ocío, was made rich in a short time by pearl-fishing on the coast of Cerralvo. Since that period the number of pearls of California brought annually to market is almost reduced to nothing" (Humboldt, *Political Essay*, II, 282).

No vagabonds were to be allowed in California; any idle persons should be confined a month in jail, and those who harbored them in idleness should be fined twenty pesos. Servants in debt to their masters might not leave their employment, nor might any employer receive a servant who was indebted to a former master. Employers might not advance more than two months' wages to servants, nor might they impede those who were out of debt from seeking new employment.

Wages for mechanical laborers were not fixed, the visitor hoping that these could be moderated to conform to the great reductions which he had ordered in the cost of provisions. If need be, the justices might prescribe the limits of such wages.

The seventeenth decree, given at Santa Ana, September 24, 1768, was the well-known decree for new settlers. Under its terms the lands conceded to Felipe Romero on August 12, as noticed above, were granted. Public lands were to be assigned to settlers by commissaries whom Gálvez was to appoint for the various places where towns were to be established. In each settlement the streets were to be fourteen or sixteen *varas* wide, with fruit trees near the doors of the houses. The plots of ground assigned were to be of the same size as was specified for Loreto. They were to be granted in greater or smaller number, according to the merits of the applicants, who were to be retired soldiers or other men of good habits. Houses and plots were to be held in perpetuity, to descend to sons and daughters who married other settlers who had no ground of their own. Parents might choose which child was to succeed them, or they might apportion their *suertes*, but these might not be cut into parts, being indivisible and inalienable in perpetuity. If an owner attempted to hypothecate his land he should lose it.[38]

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[38] This policy was characterized by Guillermo Prieto as "the blundering benevolence, if it cannot be called the calculated malevolence . . . of the scantily charitable intelligence of the colonial government." The lands of the Indians were usually apportioned without great respect for

All settlers were to have the right to use communal lands and water. They might have herds up to fifty head in number, which must be kept from running wild. For three years they were to be free of all taxes, provided they fenced their land or marked it with ditches, and planted trees on the basis of ten to each *suerte*. After three years the tithes were to be paid. One *almud* of corn for every unirrigated *suerte,* and one *cuartilla* (twenty-five pounds) for every irrigated one, were to be paid as tithes. Two brood sows must be added to the livestock each year, as hogs were particularly efficacious in destroying the common pests, reptiles and locusts. Every settler must be provided with a team of oxen, a plow and other tools, five sheep, two mares, five hens and a cock. Settlers who would build water-wheels (*norias*) were to be given two additional dry *suertes.*

The new settlers were to have the military rights and exemptions of the provincial militia, provided the head of the family kept a horse and owned a fusil and broadsword for use against hostile Indians. When on such duty they should belong to the companies of militia which were organized.

Grants of land were to be recorded in a record book, *libro de población,* and if grants were near a mission, in the books of that institution as well, that there might be no future conflicts as to ownership.[37]

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the regulations prescribed and were frequently absorbed by the church as a penalty for failure to pay religious dues (*Indicaciones sobre el Origen, Vicisitudes, y Estado que guardan actualmente las Rentas Generales de la Federación Mexicana* (Mexico, 1850), p. x.

[37] The attempt by Gálvez to establish colonies in Lower California marked a change in policy for that region. For one hundred and fifty odd years after the unsuccessful enterprise of Cortés in 1534, a score or more attempts to colonize the peninsula resulted in nothing. Most of these schemes had for their aim the acquisition of quick riches from mines and pearls. They were defeated more by the asperity of the land than by effective hostility of the natives. At last, in 1697, Father Salvatierra began a conquest with a corporal's guard at Loreto, which was for a long time maintained as a purely spiritual conquest. After 1746 the Jesuits relaxed their rules of exclusion of white settlers sufficiently to allow mines to be worked and pearls to be sought by the Spaniards from the mainland.

Decree number eighteen named Pedro Regalado de Soto as master (*arraez*) of the "Sacramento," a *canoa* engaged in collecting and transporting salt from the Isla de Carmen to Loreto. He was granted twelve pesos monthly salary.

The nineteenth and last decree of Gálvez was a set of instructions to the commissary of the southern department of California for the management of the public funds and the collection of revenues. The crown income of California was to be derived from four sources: the sale of dispensations, hitherto unknown in California; the tribute due from natives, new settlers, and

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When the Fernandine Franciscans in 1768 succeeded the expelled Jesuits they found that the loudly heralded riches of the peninsula existed only in fancy. There were, indeed, no settlers of standing to whom the temporal affairs of the missions could be intrusted when such a plan was contemplated by the viceroy. The decree above presented in abstract was intended to remedy this condition. Of this piece of legislation says U. Lassépas (*De la Colonización de la Baja California*, Mexico, 1859), 15–16: "It is the key to the civil colonization of the peninsula, in contradistinction to the monastic colonization established by the license of the viceroy to the Jesuits Salvatierra and Kino, on February 6, 1697. By the Gálvez legislation was offered, gratis and in perpetuity, private ownership of the lands, with all the legal rights of transmission, sale, exchange, or hypothecation [on this point Lassépas was exactly wrong, as is shown above in the text] in exchange only for labor, whether such lands should be . . . devoted to stock raising, cultivation, or to establishment of towns. For this transfer of right of proprietorship . . . in acknowledgment of the eminent domain of the king, was exacted, after three years' residence, only a small tax (*cánon*), paid first in produce and later in coin.

"But civil colonization was not so easy to accomplish as was thought in those days . . . it encountered great obstacles. First, immigrants could colonize only lands outside mission jurisdiction . . . the fathers' consent being . . . indispensable; the best lands, as a consequence, remained under control of the initial colony. . . . Thrown upon their own resources, the colonists, generally poor and without knowledge of the country, cherished small hopes for the future. The first colonists were soldiers from the presidios and seamen from Loreto; the titles granted between 1768 and 1821 prove that the greater part of the colonists were recruited from these two classes."

There were the following number of conveyances of land made under the Gálvez legislation up to the time of independence: In 1769, 4; 1770, 2; 1772, 1; 1781, 3; 1785, 1; 1786, 1; 1793, 2. In these conveyances some ninety-five parcels of land were given to about that number of settlers. The decree was the legislative basis of colonization until 1830. It is printed in Lassépas as Document No. 1, pp. 189–92. See also his pp. 167–8. Bolton cites original documents concerning these transactions in his *Guide*, p. 350, q. 1.

transients; from pearl fisheries; and from the monopolies of salt, tobacco, playing-cards, gunpowder, stamped paper, and mercury.

The sale of dispensations was to be administered by the commissary in accordance with Gálvez' regulation for New Spain dated December 12, 1767.[38] In California two parish priests and the missionaries of Todos Santos were to distribute the dispensations, the commissary receiving his returns from them without bonds.

The annual tribute, including a small land tax (*pensión*), was to be collected at twelve reals, with two reals added for the dispensations. Masters were to deduct the amount of the annual tribute from their servants' wages in monthly installments. The tithes, when due, were to be collected with the tribute. The payment of tribute from Indians of the missions was to be taken care of by the fathers who administered the temporalities.

As García had been named administrator of pearl-fishing, the granting of licenses and the collection of the revenue was in his hands. The commissary had therefore only to receive from him the regular payments of sums accruing from these sources and account for them to the subtreasury at Guadalajara. This he did also for all revenues not in the hands of special administrators, such as the several monopolies. The commissary was to dispense all salt needed for mining, fishing, meat-drying, and for the missions, at fixed prices. Salt was to be sold at six *arrobas* and six pounds (one hundred and fifty-six pounds) for exactly three pesos, in order to eliminate the need of small change in purchasing salt. To the missions and to the Monterey expeditions this article was to be sold at two and one-half pesos for the same quantity, accounts being sent each half year to Guadalajara.

Tobacco in the leaf, under the monopoly, was to be sold at twelve reals per pound; when the leaf in stock was exhausted future sales were to be only in the cigarette form, at one real per box. Playing-cards were to be sold at twelve reals per pack. Powder was to be reduced from two pesos to twelve reals per pound, and quicksilver was also reduced, the proceeds of sales to be applied to the expenses of the northern expeditions.[39]

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[38] See below, p. 379.

By these provisions Gálvez expected that the new province of California would be established on a paying basis. On December 16, 1768, he drew up an estimate (*estado del producto prudencial*) which expressed this belief. Expenses of government created by him amounted to 27,730 pesos annually; from the expected revenues there would be received 34,500 pesos, which would leave a balance of 7769 pesos. This expectation, needless to say, was not realized.[40]

6. *California unprosperous.*—The hope of the visitor of creating and insuring prosperity by reducing the pay of the soldiers and the prices at which the missions should supply them with provisions provoked trouble from the start, as the new prices did not furnish the missions with needed funds to clothe the Indians and pay them for their labor. The first twenty-five Indians brought to Loreto to build the new town were obliged to work for the King without pay, and their families became an unprofitable charge upon the mission resources.

On June 12, 1769, the new governor, Matías de Armona, arrived at Loreto. He was reluctant to serve in his new position when he found that the peninsula was expected to subsist without the appropriation (*situado*) of 30,000 pesos which the Jesuits had received, with far less expense to meet than that now required under the new government. With the hope of inducing Gálvez to alter his orders so as to provide for the fit maintenance of the government and the missions, Armona sought Gálvez in Sonora. Leaving California on June 24, the governor was absent for nearly a year, when he was obliged to return, having been unable to rid himself of his undesirable appointment.

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[39] *Instrucción que se dió a Don Felipe Neve quando se le confirio el govierno interino de Californias, y carta acompañatoria.* Mexico, Archivo General y Publico, Provincias internas, 166, 1774, No. 22.

[40] *Estado que demuestra el producto prudencial de los ramos de real hacienda establecidos por mi en esta peninsula de Californias,* 104-3-2.

During that year California was not prosperous. Fevers and measles laid low one thousand of the Indian population in several of the missions, south and north. Revolt began among the neophytes of Todos Santos, who chafed under the restrictions of mission life after being transplanted from their native wilds of the north. A new commissary, Trillo—a dependent of Gálvez—arrived from Sonora on October 23, 1769, to govern during Armona's absence. He urged prompt obedience to orders from Gálvez to set the Loreto Indians to work on the Carmen salt-beds without wages. Palou declined to permit this, as when the Indians were working at salt production they could produce no corn, and it would soon become an unbearable burden to feed them corn which would have to be bought from the government store. The father-president decided, and his confréres agreed with him, to renounce the temporal care of the missions, lest they be charged with their ruin. This decision was forwarded to Gálvez in Sonora early in 1770, but too late to reach him, as he had already started on his return to Mexico. Gálvez had, however, sent word to Palou to present his pleas to him in writing. This the father-president did, despatching them to Mexico by a returning invalid missionary, Fr. Dionisio Basterra. Armona, being at last permitted by Croix to renounce his governorship, carried also to Mexico several recommendations, which were conceded. The commissary was ordered to settle his accounts with the missions; Loreto was conceded funds due at the expulsion of the Jesuits; the Indians of Santa Ana, unmarried males sent thither to learn mechanical trades, were allowed to return home to their own missions, the promised instruction not having been given them; Indians from the missions were taken off the boats

INTENDENCIA
DE

3. Proposed Intendancy of Sonora and Sinaloa, 1770? A. G. I. 146-4-14. Listed by P. Torres Lanzas,

working between the peninsula and San Blas; finally, the prices of mission goods were to be rearranged.[41]

Father Basterra on July 10, 1770, presented his claims for reform to Gálvez in Mexico, in a lengthy memorial asking for changes of the visitor's regulations on sixteen points.[42] Briefly, Basterra's requests were that the Indians should be paid six pesos monthly for public work; the missions should receive more money for their meat sold, as the wages paid to herdsmen caused debt which could not be met otherwise. The household utensils of Loreto, and the balance due the Jesuits, should be turned over to Palou. The commissary should be made to pay for ten jugs (*tinajas*) of brandy, which he had lost and had refused to pay for. Accounts should be corrected and balances due the missions should be paid for supplies furnished. The missions should be allowed to purchase cloth and other supplies in Mexico, and not from the Loreto warehouse, so as to effect a saving. Payment from the Pious Fund should be continued (10,000 pesos had already been received) until the missions could clothe all the Indians. Cattle and horses furnished to the government at Loreto should not be in excess of the number which bore the government brand. Trillo had demanded all the animals. The missions should be allowed to sell any surplus produce wherever they desired, and not be obliged to turn it all over to the commissary. The produce of the Loreto garden should not be given to the governor and the commissary, for these gentlemen had demanded it all, provoking friction with the missionaries. The governor and commissary should not live in the college, where the father-president resided and a school was kept, as their official business and the government store interfered with the work and the hours of the missionaries. No tribute should be exacted from the Indians. Palou had opposed it from the start. The commissary had attempted to collect it. The governor and the commissary were to be prevented from making personal use of the mission boats, which were needed by the Indians. San José del Cabo and Santiago should be continued as parishes, and not given to the friars, lest these be accused of illicit commerce with the Manila galleons.

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[41] Palou, *Noticias*, I, chapters xiv, xv, xvi, xvii; Engelhardt, I, 368–78.

[42] They are recorded with annotations in Palou, *Noticias*, I, 85–100, and are translated in full in Engelhardt, I, 379–385; an abstract of them appears in Bancroft, *North Mexican States*, I, 698–9, note 8.

Needless to say, Gálvez did nothing toward granting this petition. Many of the requests made would have reversed his plan for making the peninsula self-supporting, and would have required appropriations of funds, which he was loath to grant, however impracticable his plan might be shown to be. It was for others to develop the details of the work which he had begun. No doubt Gálvez was aware by this time that California was not a productive country, and that his hopes for revenues from it would not be realized except by great saving.[43] His hopes were now turned to the success of the northern California missions, where the land was more favorable for new establishments. The one accomplishment of his visit to the peninsula had already been achieved—the permanent occupation of Upper California. That, as fate willed, was his one lasting monument in the western hemisphere. It is now time to follow him in his efforts to subdue the revolted provinces of the mainland, where even more conspicuous bad fortune was to be his than the denial of prosperity to the missions of the barren peninsula.

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[43] Croix, writing his final *Instrucción* to his successor Bucarely, was fain to confess: "Je trouve que la Californie est moins riche que l'on ne croyait, et que l'on doit encourager l'agriculture, l'exploitation des mines et la pêche des perles. On doit employer des gens tres honorables qui stimulent la paresse habituelle des Indiens. V. E. pourra examiner la question et juger des encouragements à leur donner" (*Correspondance*, 291).

CHAPTER VIII

GALVEZ IN SONORA

On preceding pages some indications have been given of frontier conditions and of measures projected for the restoration of peace on the northern border. These plans included sending Colonel Domingo Elizondo at the head of a military expedition which, combined with presidial troops and militia of Sonora and Sinaloa, placed in the field a force of about 1100 men to oppose an Indian rebellion which had been intermittently menacing those provinces for a score or more years. When military measures should have restored peace, settlements were to be made of semi-military colonists, who were to assist the presidial soldiers in maintaining order. There were other matters to arrange. The Jesuit missionaries, fifty in number, had been expelled, and the spiritual interests of their former charges were to be provided for, as well as their temporal welfare. The important industry of mining, which had fallen into some decay owing to the protracted unsettled condition incident to the Indian rebellion, was to be promoted and encouraged. The frontier provinces were to be made revenue producing; the tribute, not yet collected from the subject population on account of the tacit immunity[1] of frontier settlements from this species of taxation, was to be extended to the farthest limits possible; the four monopolies of tobacco, playing-cards, gunpowder, and quicksilver were to be established in the frontier provinces. The reorganization of the Provincias Internas into a new *comandancia general* independent of the viceroyalty was to be begun, and the initiation of the new division of the entire dependency into intendancies was to occur in the provinces Gálvez now proposed to visit. In the general plan was also included the project of reducing the number of presidios and straightening the alignment of those which were to remain. For the government of the new parishes to be erected on the foundation of the old Jesuit missions a new bishopric was to be erected. As the advance agent of Gálvez in the preliminary steps, Eusebio Ventura Beleña was sent north to the mining region of Bacubirito, near the *villa* of Sinaloa, on June 3, 1768; one of Beleña's chief duties was to make preparations for the erection of a subtreasury (*caja real*) at Álamos, in Sonora, to facilitate the handling of the increased crown revenues which the visitation of Gálvez was to produce.[2]

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[1] Sanctioned by usage, but not by law. See below, pp. 284–5 and 326.

In short, there was no phase of the frontier problem with which Gálvez, as visitor, intendant, and lieutenant of the viceroy, was not concerned or which he did not attempt to solve. Unfortunately for him and for the province, his success depended upon the effectiveness of the military expedition; this campaign, in which bodies of troops were pitted against the elusive savages of the mountainous country, was foredoomed to failure. Partly as a result of this failure, and partly no doubt as a result of the exposures of camp life and the burden of his duties, the visitor's health and mental competence forsook him, and he was for months unable to attend to work. When he had partially recovered he was obliged to return to Mexico, leaving practically everything yet unfinished. At the capital, many duties connected with the incomplete visitation occupied the energies of Gálvez until it became obvious that he should return to Spain, where he could, he hoped, entirely recover his health, and from a position of vantage near the throne expedite the comprehensive plans which he had formulated for the reorganization of the viceroyalty.

1. *State of the northwestern frontier.*—It would require too much space to attempt to describe the conditions in Sonora, Sinaloa, and Nueva Vizcaya which led up to the campaign of

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[2] *Manifiesto de la conducta observada por Don Eusebio Bentura Beleña*, arts. 4–6; *Acuerda la junta*, etc., cited above, p. 239.

1768–71. That outline has already been given elsewhere.[8] It will not be amiss, however, to place the situation briefly before the reader. Sinaloa and Sonora, anteriorly called Nueva Andalucía, lay to the northward of the bishopric and "government" of Nueva Galicia. The boundary was the Arroyo or Río de las Cañas. The eastern boundary was the Sierra Madre, beyond which lay Nueva Vizcaya, now Durango and Chihuahua. In judicial affairs Sonora and Sinaloa, a single province with a double name, was subject to the audiencia of Guadalajara; in ecclesiastical affairs, to the bishop of Durango. The local units of Sonora and Sinaloa were nine *alcaldías mayores,* Rosario or Chametla, Maloias or Plomosas, Copala or San Sebastián, Culiacán, Sinaloa, Fuerte, Álamos, Ostimuri, and Sonora, named in order from south to north. From the Río de las Cañas to the mission of Caborca in the north, the province measured four hundred leagues in length, being equal in area to about half of France. From the western slopes of the sierra flowed four principal streams, along which lived in forty villages the four so-called nations of mission Indians known by the names of their rivers—the Sinaloa, Fuerte, Mayo, and Hiaqui (Yaqui).

The disturbances among them began, so far as the last half of the eighteenth century is concerned, in 1740, when the Sonora, Ostimuri, Álamos, and Fuerte villages revolted against the Spaniards. The rebellion was never really put down for many years, though the successive governors of the province (erected in 1732) made continual efforts, with periods of apparent success, to keep the natives in hand. In 1751 and 1752 nine villages of Pimas Altos and two villages of Seris revolted, and continued in defiance of the whites until the period of the Gálvez expedition. There were also infrequent raids from the Apache country to the north and east, but the Apache groups oftenest gave their attention to the eastern slope of the sierra, that is, to Nueva

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[8] Bancroft, *North Mexican States,* I, chapters XX and XXI.

Vizcaya, along the northern stretches of which Indian warfare was almost continuous and far more destructive than in Sonora. In the latter province, during the period of the revolt, the only Indians who remained at peace with the Spaniards were those of the Sinaloa River. On two occasions only, in 1768 and 1769, were these drawn into uprisings. In Ostimuri and Sonora disturbances were frequent. Prior to the general revolt of the Pimas and Seris, there had been in Ostimuri alone fifty-seven settled *haciendas,* or ranches. By the end of the war these had been reduced to only four in number. In Sonora there were twenty-two mines and settlements of Spaniards. Over forty mines had been deserted and only two of a prior number of one hundred and twenty-five ranches had white inhabitants.[4]

The proximate causes of this condition were difficulties between the Jesuit missionaries and the successive governors. The white population was wont to instill subtle disrespect for the friars into the minds of the Indians, so that the hold of the missions upon the natives was not strong. Governor Juan Pineda, who was at the head of the province from 1762 to 1769, was the first of the governors to receive material aid from the central government in putting the province to rights.

2. *Elizondo's campaign.*—While Gálvez was in California the war against the revolted Seris, Pimas, and Sibubapas was being carried on by Pineda and Elizondo with that lack of success which had been predicted for it by the opponents of Gálvez. Elizondo arrived at Guaymas, as has already been noted, on March 10, 1768. With his detachment of one hundred and eighty men he attacked the rebels near Guaymas, at the Monte Tenuage, but the enemy fled to their mountain fastnesses in the Cerro Prieto, where the Spanish troops were obliged to leave them, after ten days' bootless efforts, there being no pasture nor water.

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[4] Beleña, *Manifiesto de la conducta* (104-3-3), arts. 144-46; *Descripción geográfica, natural y curiosa de la Provincia de Sonora . . .* año de 1764; in *Documentos para la Historia de México* (Tercera serie, Mexico, 1856), 609.

A few Indian women were captured; they told Elizondo that the Indians had held a convocation upon the approach of the troops, in which they had agreed to defend themselves as long as possible in the Cerro Prieto, whence they would retire, if need be, to the island of Tiburón, just off the Sonora coast. During the latter part of June,[5] the remaining troops of the expedition by sea having arrived, the Spaniards advanced upon the Cerro Prieto in three detachments—Elizondo from Guaymas, Captain Bernardo Urrea from Pitic, and Captain Lorenzo Cancio from Buenavista. The Indians eluded them all, suffering the loss of one of their number only. The troops did not move again in force until autumn. In October movements converging upon the Cerro Prieto from Pitic and Guaymas were again undertaken, the only tangible result being the loss of three soldiers, who were caught and hung by the Indians. Similar reprisals in exposed localities were constant throughout 1768, the offenders being Seris and Pimas. Disturbances extended throughout practically the entire province. About seventy-five persons were killed by the Indians during the year.[6]

These movements in force against foes who could never be overtaken were not approved by the King. He had never been sanguine of success for the frontier plans of Gálvez, and he sent orders to the viceroy on November 17, 1768, to have the formal campaign stopped, as such movements were not only futile but very expensive. The proper method would be, thought his Majesty, to send captured Indian women with messages of peace and gifts to those who were in revolt, it being easier to effect results by this method than by force of arms. In December the King reiterated his desire for the cessation of formal campaigns, for the same reasons. But the viceroy, whatever his personal opinions, allowed the methods which were being pursued to continue, it seemingly being his idea that Gálvez, actually on the frontier, though not yet in Sonora, was best situated to judge what methods to pursue. In November a movement of over five hundred troops from Pitic and Guaymas was again directed toward the Cerro Prieto, with no result except excessive fatigue to the Spanish forces. On December 25 the Indians committed murders within sight of the presidio of Terrenate, escaping pursuit unscathed. On January 21 a force of three hundred men began a movement toward the northern part of the province, but met with no enemy whatever. On February 25 another attack was made on the Cerro Prieto, whither the Indians kept returning in flight from troops in the opener country.

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[5] *Correspondance*, 214.

[6] Bancroft, *North Mexican States*, I, 663, note.

While these attempts to come to decisive action with the Indians had been going on, Gálvez from California had been making proposals to the Indians, on the advice of the officers in the field, looking to a general amnesty and surrender. On the last expedition to the Cerro Prieto, Elizondo learned from a woman prisoner that the Indians were awaiting only the coming of Gálvez to take advantage of the proffered peace.[7]

3. *Gálvez as general in the field.*—The visitor had set out from California, as has been previously stated, on May 1, 1769, and arrived at the bay of Santa Bárbara (the mouth of the Río Mayo, opposite Loreto) on May 7.[8] Here he remained three days, despatching the soon-to-be-lost "San Joseph," in which he

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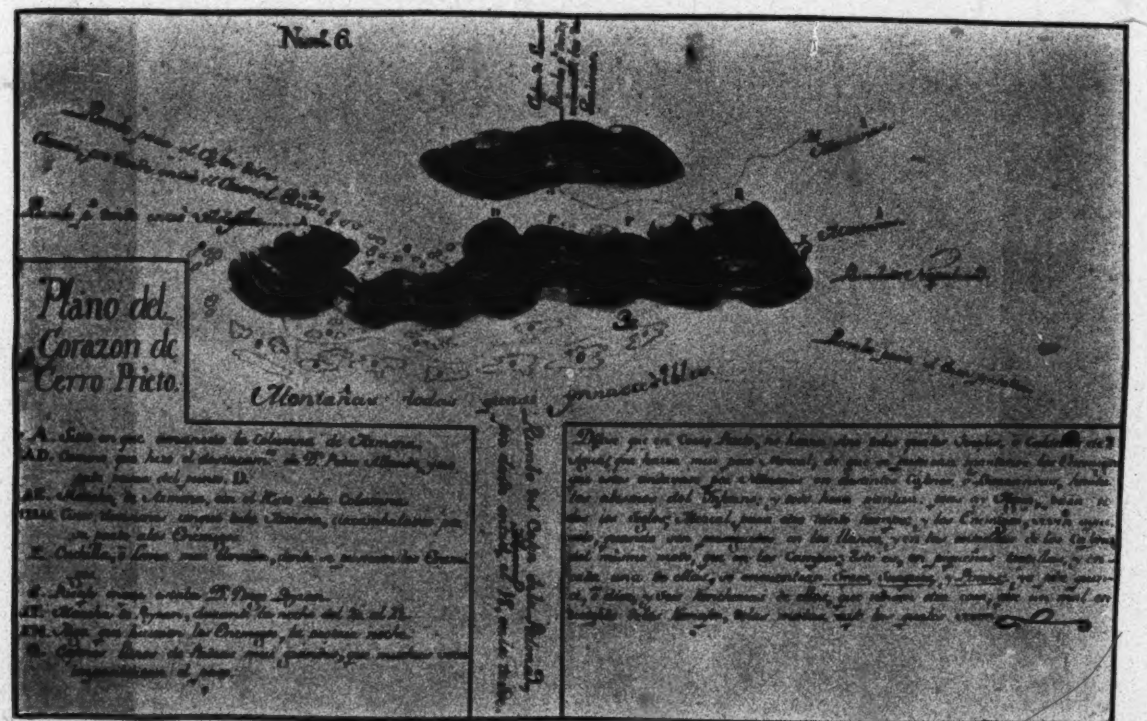
[7] *Extracto de documentos referentes a la expedicion de Sonora*, 104-3-2. This manuscript, now used for the first time, gives in brief form the details of importance in this campaign up to 1770, with some notice of the later stages of the war. It is made up of extracts of the reports of the viceroy to the King, based on the letters of the officers in the field. This material is supplementary to the official correspondence contained in the *Documentos para la Historia de México*, Cuarta serie, Tom. II (Mexico, 1856).

[8] "M. de Galvez, après avoir organizé son expedition de Monterey et tout mis en règle en Californie, vient de partir pour la Sonora afin de la pacifier; j'espère qu'il y réussera et que le Seigneur lui accordera cette gloire en récompense des fatigues inouïes que ce ministre s'est imposées pour le service de son Roi et de son pays" (Croix, letter, Mexico, June 20, 1769, *Correspondance*, 218).


Num. 6.
Plano del Corazon de Cerro Prieto.
Montañas todas yermas
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6. Plan, by Matias de Armona, of the attack on the Cerro Prieto in November, 1769. A. G. I., 96–1–11. Listed by P. Torres Lanzas, *Mapas y planos de Mexico y Floridas* (Seville, 1900), No. 252.

had arrived, to Monterey with supplies for the new colony there. At Santa Bárbara Gálvez wrote to his friend Miguel de Múzquiz, minister of hacienda at the court in Madrid, of his arrival and of the pleasure he took in the work which Beleña had done in anticipation of his coming. He also wrote to Croix, to Lorenzana, archbishop of Mexico, and to the bishop of Puebla, that he intended to make Beleña intendant of Sonora and Sinaloa; these provinces, he said, were experiencing a bonanza in the mines, and it was highly probable that the revenues, under his new providences, would take gigantic leaps upward.[9]

Now actually on Sonora soil, Gálvez plunged with his fanatical vigor into all phases of his frontier labors. The campaign against the rebellious Indians engaged his attention at once. At the beginning of the operations Gálvez had been of a mind to wage a war of practical extermination against the insurgents.

> The junta that planned the campaign [he declared] held as an inviolable principle, to which the whole civilized world subscribes, that seditionaries and rebels like these ought never to be allowed to capitulate. It was therefore resolved that only in case they should surrender at discretion should their lives be spared, but that they should never be allowed to remain in the province, or even on the continent, that once and for all the fomentation of such ills might be extinguished, and an example be made which would restrain the other Indians. This, I believe, is the import of the instruction which . . . the viceroy gave for that war. . . . You will continue it with the utmost vigor, not listening to proposals for peace, lest the Indians assume that they are the objects of unmerited pity.[10]

3. *Amnesty offered.*—This uncompromising attitude had become modified during the interval between February and May. The desire of the King, the fact that the campaign was not succeeding, and the advice of the officers in the field prompted the visitor to issue, as soon as he landed in Sonora, an edict of gen-

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[9] Copies of these letters appear in Beleña's *Manifiesto*, arts. 7-9.

[10] Gálvez to Pineda, Cabo de San Lucas, February 16, 1769, in *Documentos para la Historia de Mexico*, Cuarta serie, II, 30.

eral amnesty to all Indians who would surrender at discretion.[11] The edict was sent on May 8 to all towns and missions of Sonora and Sinaloa, and to all commanders of troops, ordering suspension of hostilities for the space of forty days, within which the Indians were to surrender, or experience the utmost rigor of the Spanish arms at the close of the period. The Indians had been expecting this move, from word sent from California by Gálvez in advance of his coming, and they now began to make some slight moves toward surrendering. The Seris deserted the Pimas, and asked to be allowed to ally themselves with the Spanish forces at Pitic.[12] By June 16 twelve families of Seris had come in and had been quartered at Pitic.

The movement did not become general, as most of the Indians gathered the idea that they would be hung or carried out to some island and deserted if they surrendered, for they had the terms of the original decree against them confused with the words of the amnesty proclamation. No doubt some of the independent souls among the rebels tried to prevent the surrender of those who at first seemed willing to give up. At the suggestion of Pineda and Elizondo, Gálvez issued "passports," or rather letters of safe conduct, to the Indians, in hope that these would facilitate surrenders. To Pineda he wrote:

> And if they do not submit with faithful and repentant hearts, I myself will command them to return to liberty in their mountains, and let them see if they can find a place within the womb of earth wherein to hide themselves from the immense power of God and the King, who will convert them into ashes; but if they change their rebellion to loyalty, and desire to be as good vassals as they have been bad, I will do them justice beyond what they have hoped; you will see that they understand this, that they may know that their weal or woe depends upon their own procedure.[13]

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[11] Beleña, *Manifiesto*, art. 10.

[12] *Extracto de documentos referentes a la expedicion de Sonora*, 104-3-2.

[13] Gálvez to Pineda, Alamos, May 23, 1769, in *Documentos para la Historia de Mexico*, Cuarta serie, II, 37.

This pompous declaration had not the desired effect, and it was necessary for Gálvez to extend the original term of forty days, ten days[14] being added at the supposed intervention of a parish priest; the excuse for so doing was that the added time was supposedly needed for certain remote Indians to reach the point where they should surrender. In the meantime an unforeseen uprising among the Río Fuerte Indians of the village of Charay made it necessary to extend the time for another twenty-five days. This uprising was due to the action of the Indian governor of Charay, who, acting under superior orders, probably from Gálvez, attempted to burn the weapons of his subordinates. Gálvez sent Beleña from Álamos to quell the revolt, as no military officers were available for the sudden demand. Beleña tried to decline the task, but Gálvez insisted, stating that if Beleña would not go, he would do so himself, ill though he was. Indeed, Gálvez was from the first of June beginning to suffer from fever and chills, and he was not wholly well again until after he left the frontier.

Beleña went to Charay, and was occupied with quelling the revolt and investigating its causes for two weeks, when he was unexpectedly superseded by Matías de Armona, who had just arrived from California to seek instructions for his governorship there from Gálvez. The latter was dissatisfied with Beleña's management of the Charay revolt, and asserted that the continuance of disorder in Sonora was due to him. In what matters the subdelegate erred is uncertain. Beleña made a long defense of his conduct, but did not include the diary of his two weeks at Charay in it, and the subsequent correspondence refers vaguely to the exact cause of the dissatisfaction. As soon as Beleña returned to Álamos, Gálvez confined him fifty-four days in his own (Beleña's) quarters, without offering any explanation or bringing any accusation. From that day on there was no more talk of Beleña for intendant of Sonora and Sinaloa, for though his title to the office was issued by the viceroy and approved by the King, it never reached him, and it was Pedro de Corbalán who was named. Beleña was told that he would be wanted for preliminary work in Nueva Vizcaya, whither he would be expected to precede Gálvez, just as he had previously done in the western provinces.

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[14] Beleña's *Manifiesto* says twenty days (art. 10).

The revolt of the Charay Indians was punished with great rigor. Gálvez sentenced twenty of the insurgents to be beheaded, and their heads exposed on pikes at the entrance to the village. Their goods were confiscated, their homes destroyed, and the sites strewn with salt. Seventeen other unfortunates received two hundred lashes, and the revolted villagers were condemned to be deprived of their weapons, although these were of service in gaining a livelihood.[15]

Viniegra says that these Indians had been previously promised immunity if they would lay down their arms and retire to their homes; this they did, but they were promptly seized in their homes after having done so.[16] The same writer agrees with Beleña in saying that the illness of Gálvez which occurred at this time was due to melancholy because of the ill success of the attempt to induce the rebellious Indians of the province to surrender. By the end of August, 1769, the visitor wrote from Álamos to Pineda and Elizondo at Pitic that he was coming to consult with them concerning plans for another general attack upon the Cerro Prieto with four or more divisions of troops, as the period of amnesty had expired without appreciable success.[17]

During the early part of October the plans were arranged, and the attack occurred late in the month, with the same unsatisfactory results as hitherto had been realized. At the same time the Apache in Nueva Vizcaya were terrorizing that province almost unchecked, wherefore Gálvez urged the governors of Coahuila and New Mexico to assist Nueva Vizcaya by attacking the Apache on their respective borders.

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[15] Decree of Gálvez to Armona, August 10, 1769, in Beleña, *Manifiesto*. arts. 28–35.

[16] Viniegra, *Sobre Galvez en America, Apunte instructibo*, 35, A. H. N., Estado, Leg. 2845.

[17] Gálvez to Pineda and Elizondo, Alamos, August 31, 1769, in *Documentos para la Historia de Mexico*, Cuarta serie, II, 69.

When the King was apprised of this course of affairs he reiterated his lack of confidence in the general attacks, and again ordered that they should cease. The expense of operations so far had been very high. Since the beginning of the campaign in 1767, there had been expended the 189,000 pesos first collected by Gálvez, while over 350,000 pesos had been borrowed from the tobacco revenue, for use in California and Sonora. In spite of this expenditure, frontier conditions had grown steadily worse, even the Indians of the Río Gila having joined the rebels. The entire frontier was aflame with revolt, making plain the folly of trying to protect all parts of it with small forces while trying to carry on a definite campaign in one part only. The Indians, thought the King, must be placated by kind treatment and gifts, since they could not be conquered in the field. The plan for the frontier presidios, recommended by the *mariscal de campo* Rubí, should be followed. General attacks should be definitely given up. The viceroy was ordered to convoke a junta, to be composed of the visitor-general and military experts, who should take up the details of the Rubí plan and put them into operation.[18]

Almost six months previous to the issuance of this order the officers conducting the military operations had agreed that the general attacks were useless. Gálvez, seriously ill, was replaced, at Croix's orders, by Pineda and Elizondo as commanders of the operations.[19] From November of 1769 to the fall of 1770 the mode of attack upon the Indians was by *pequeña guerra,* that is, guerilla warfare, in which the savages were kept in constant motion by small detachments of troops, so that they had no time to search for food, and were not allowed to obtain sufficient rest. By gifts and cajolery, too, the Indians were induced to lay down their arms in successive small groups. By May of 1771 all had submitted and had been settled in small towns, the original plan to expatriate them having been abandoned on Pineda's advice. In the fall of 1771 Elizondo returned with most of his troops to Mexico, leaving the one hundred fusiliers to aid the presidial guards in maintaining peace.[20]

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[18] *Real Orden,* April 25, 1770; *Extracto de documentos referentes a la expedición de Sonora,* 104–3–2.

[19] Croix to Arriaga, Mexico, December 31, 1769, 104–3–2.

4. *The visitor insane.*—During the latter part of August, 1769, Gálvez was obliged by illness to moderate his activities. His recovery from his first attack was of short duration. On August 22 he wrote from Álamos to Croix that he expected this illness to be his last. He commended his dependents to the care of the viceroy, reiterated his strong affection for that gentleman, and commended to his especial consideration the proper care of the new settlements of northern California. Recovering somewhat by the 29th of August, he was then able to write to the viceroy that he had emerged from the shadow of death, God having desired to prolong his days.[21]

He set out from Álamos on September 4, to go to Pitic, where he was to confer with Pineda and Elizondo concerning the revolt and a new movement to end it. He did not reach Pitic until about October 1,[22] having occupied twenty-eight days in traversing a distance of one hundred leagues. Ten days of this time he had been ill at the presidio of San Carlos Buenavista, where he confessed and disposed of his affairs, and he was still sick when he began his conferences with the army officers. On October 13 he was obliged to desist from work in the midst of sending despatches to Mexico. During the following night his mind gave way. Calling suddenly to Armona at 2 o'clock in the morning, he loudly declared that he had just received a communication from St. Francis of Assisi, telling him how incompetent were the officers of the expedition. He himself, said Gálvez, would soon end the insurrection by bringing six hundred apes from Guatemala, which he would put into uniforms and send against the fastnesses of the Cerro Prieto. During the next day the visitor gave signs of further mental disorder. He went to the soldiers' barracks and shook hands with many of the enlisted men, promising them all the money they wanted from the treasury, and threatening the officers with death if they interfered with his orders.

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[20] Croix, *Instruccion que dejo*, 88-5-13. The fusiliers were soon removed, being deemed unnecessary, but renewed war almost immediately followed their removal (Rivera Cambas, *Los Gobernantes de Mexico*, I, 425–6). "The extravagant military expedition of Don Joseph Gálvez did not serve to establish in a permanent manner the northern limits of the intendancy of Sonora" (Humboldt, *Political Essay*, II, 253).

[21] Gálvez to Croix, Álamos, August 22 and 29, 104-3-3.

[22] Beleña, *Manifiesto*, art. 46, says September 29; Viniegra, 38, says October 1.

The secretaries of Gálvez, desiring to conceal from prying eyes the unhappy state of their superior, confined him, at Pineda's suggestion, to his room. The surgeon of the expedition, Guillermo Cis, bled him thrice, without beneficial result. On October 25 he was removed from Pitic to the mission of Ures, where it was hoped that his recovery would be facilitated by absence from military scenes and commotion. There, for over forty days, he was almost constantly ill and out of his mind. On November 6 Elizondo wrote to Croix from Ures, informing the viceroy of the low state of Gálvez' health, and recommending that he leave Sonora for the sake of it. On December 3 Croix wrote to Gálvez, "ordering and supplicating him" to return to Mexico as soon as possible. About the 8th of the same month the visitor began to show signs of recovery.[23]

On November 29 plans were made by Viniegra, Azanza, Armona, Argüello, and Bernardo Gálvez (the latter had come from Nueva Vizcaya to be present with his uncle in his illness) to take the latter southward to Mexico by way of the western coast. The necessary conveyances were arranged for and quarters engaged for stopping at some of the towns on the route, but with his recovery of health during December Gálvez decided that he would return by way of Chihuahua, perhaps because his original intention had been to visit Nueva Vizcaya.

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[23] Viniegra, *Apunte instructibo*, 38–41, A. H. N., Estado, Leg. 2845; Croix to Gálvez, Mexico, December 3, 1769, 104–3–2; Beleña, *Manifiesto*, arts. 53–54.

It was necessary for him to wait for a time to recuperate, in order that he might be fit to withstand the fatigues of the road. The country during December and January was exceedingly cold and wet, and hence the departure was delayed until the beginning of February, it being expected that Mexico would be reached in April.[24]

The return journey was undertaken on February 3, but on the third day Gálvez was again taken seriously ill, and was obliged to remain at Arispe until the end of March. During this time his insanity was more pronounced than before, taking the form of megalomania, in which he called himself the king of Prussia, the king of Sweden, protector of the house of Bourbon, the venerable Palafox, "and even the Eternal Father." He wrote a great number of papers, to one of them signing: "Joseph de Galvez, insane for this world; pray for him, that he may be happy in the next."

On passing through the mission of Cuquiarachi, Gálvez sank to such a low condition that the surgeon, Cis, selected for him a place of sepulture in the churchyard. By March 30 the party had reached Chihuahua, having been met on the way by Fr. Joaquín de la Trinidad, a Bethlehemite whom the viceroy sent out from Mexico to serve as physician to the visitor. This friar, says Viniegra, recognized at once the mental disorder of Gálvez, and declined through fear of violence to sleep in his room, but later said that Gálvez was far more sane than his secretaries, and wrote to the viceroy to that effect.[25]

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[24] Valera to Beleña, Mexico, February 24, 1770, in *Manifesto*, art. 106.

From Chihuahua Gálvez made his way to Mexico in carriages; Beleña remained at Álamos, Viniegra was detained at Chihuahua by illness, and we have no more details of the remainder of the visitor's journey, save that he was at the Hacienda Santa Catarina on April 15, well and sound, according to his own statement. He reached Mexico late in May or early in June.[26]

In May Viniegra, returning to Mexico, was suddenly arrested and thrown into prison, where he was detained with Azanza and Argüello in solitary confinement without any assigned cause. While they were in jail at Tepozotlán Juan Antonio Valera came to them, asking them to retract statements they had made in letters to the viceroy and to their friends characterizing the illness of Gálvez as "civil death, or loss of his reason." They refused to retract, and were left in prison until November, when they were taken to Vera Cruz to be returned to Spain at the viceroy's orders. Argüello and Viniegra reached Vigo, Spain, on April 26, 1771. Azanza was left at Havana. Thirty years later he made his entry as viceroy of New Spain in the very town of Tepozotlán, where he had languished in prison.[27] Viniegra, reduced to extreme poverty and without employment, petitioned the king for reinstatement in the royal service. He enlisted the sympathy of the archbishop of Toledo, Lorenzana, who had been archbishop of Mexico during the time of Gálvez' visitation. Lorenzana made a confidential report to Arriaga concerning the motives which had caused the discharge and imprisonment of the dependents of Gálvez. As a result of the intervention of Lorenzana, Viniegra was, after two years' pleadings, appointed in March, 1773, as a treasury official at Porto Bello in the viceroyalty of Peru. In the following June Gálvez, after repeated requests, gave him a letter of recommendation, stating that he and Argüello were worthy to be restored to government position. Thus tardily was justice to this man meted out. Of the later fortunes of Argüello we have now no record.[28]

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[25] Viniegra, *Apunte instructibo*, 42, 44; Beleña, *Manifiesto*, arts. 107, 123.

[26] Gálvez to Trigo, Santa Catarina, April 15, 1770; in Beleña, *Manifiesto*, art. 203. Croix to Arriaga, Mexico, June 3, 1770, 88-5-21.

[27] Cf. Humboldt, *Political Essay*, II, 278-9.

The account by Viniegra of the insanity of Gálvez is the story of an eye-witness. While it is a rancorous document, it is worthy of credence, as it is borne out in essential respects by the story of Beleña, which is the dignified representation of a well educated man who had occupied positions of responsibility and who had done much valuable public service. Beleña's fortunes were very similar to those of Viniegra; he was thoroughly convinced that the visitor's mistreatment of him was due largely to the fact that he had written to the viceroy stating that Gálvez had lost his reason during his illness in Sonora. If there ever was any doubt that the statement was true, the documents used in the preceding narrative (which have not been quoted in some unpleasant details) definitively set the doubt at rest. It is to be borne in mind also that these men who were punished by Gálvez for having made the statement were later restored to favor by the efforts of others. Bucarely, Arriaga, Landazuri, and Lorenzana all interested themselves in one or another of those who had felt the bitterness of Gálvez' condemnation.

Undoubtedly the visitor was unduly harsh in his efforts to repress the obvious fact regarding his illness. The Sonora campaign was a severe trial to the strength of many of its official members. Before it was over Pineda, Beleña, and Gálvez all suffered from discomforting maladies. Lorenzo Cancio, one of the captains, died before he could leave the country. It was not surprising that Gálvez should contract fever from the exposures of camp life, nor that he should be unbalanced mentally during high fevers. Unfortunately, after the fevers left him his mental equilibrium was not speedily restored. But when he did recover, the fact that he retained the confidence and friendship of the viceroy and the favor of the King might have made him more magnanimous toward inferiors who had done him no intentional harm, and who were loyal to him. If, of course, it had been established that he was permanently insane, his visitation would perforce have been concluded, he would have lost all civic status, and his enemies, of whom there were many, would have triumphed completely.

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[28] Viniegra, *Apunte instructibo, passim;* Gálvez to Arriaga, Madrid, June 23, 1773, 88-5-21.

5. *Frontier reorganization.*—The unexpected prolongation of the Indian war, and the illness of Gálvez, had unfortunate effects upon the broad plans of reorganization with which he set out for the frontier in 1768. Those plans have been indicated above in the account of the junta which sent him to the northern provinces;[29] it remains to notice some of the measures taken for working them out.

During the month of May, 1769, immediately following his arrival at Álamos, Gálvez held two conferences with the provincial representatives of the mining and commercial interests, to decide upon measures for promoting the welfare of the province. The miners were urged, indeed Gálvez said they themselves proposed, that the wages of mine-workers should be increased. A *bando* was therefore issued ordering this done. The price of quicksilver was reduced, in accordance with royal orders; reductions were also made in the cost of powder and salt, two materials essential to the miners. In order to encourage small miners, it was provided that quicksilver should be sold to them at retail from the government stores, so that the large operators might not continue to hold the complete monopoly of this prime necessity which they had formerly enjoyed. The mine owners, in the

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[29] See pp. 234–38.

May conferences, also expressed a desire to have an intendancy erected in the province, and to have provincial militia organized. It is obvious that the miners, who were for the most part creoles, were more than willing to take suggestions from Gálvez, for the proposals which he represents them as making to him are simply the plans which he proposed to carry out when he undertook his northern commission.[30]

Even more remarkable acquiescence in the plans of the visitor was manifested by the Indians of the river settlements. These semi-civilized people, living along the rivers Sinaloa, Mayo, Yaqui, and Fuerte, presented petitions (which Viniegra says were circulated among them by agents of Gálvez) requesting the King to erect their missions into parishes, grant them lands in communal and several ownership, and collect from them tribute.[31] Decrees were issued by Gálvez pursuant to the terms of these so-called petitions, but the matter of collecting tributes on the frontier was not to be settled thus offhand. Although, at the time of which the present account takes notice, the tribute was collected in all of Nueva Galicia, it was not and never had been collected in the neighboring *alcaldía mayor* of Sinaloa (Rosario), nor in the successive *alcaldías* of Maloia and Copala; but in the more northern *alcaldía* of Culiacán it had been collected from time immemorial[32] from Indians in towns, but not from nomadic tribes (*vagos*), nor from negroes or half-castes. In Sonora no collections had ever been made at all, notwithstanding that over one hundred years had elapsed since the conquest of that territory, during which time the Jesuits had collected ecclesiastical dues from Spaniards and half-castes, but not from Indians.[33]

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[30] *Testimonio a letra de lo acordado en la junta . . . de los cuerpos de mineria y comercio . . . de . . . Sinaloa y Sonora*, 104-3-2.

[31] *Testimonio de memorial presentado por los Indios de la nacion Hiaqui; Idem de la del Río de Sinaloa, de la del Río Mayo, y de la del Río Fuerte;* Gálvez to Croix, Alamos, June 10, 1769, 104-3-2; Beleña, *Manifiesto*, arts. 12-15, quotes this letter in full; Gálvez expected the 40,000 odd Indians of these settlements, and the mixed-breed population of the mines, to be paying 100,000 pesos in tribute by the end of the current year.

[32] Beleña, *Manifiesto*, art. 147.

Notwithstanding that Beleña rendered a prolix report to the viceroy, recommending that the tribute should be collected in accordance with the wishes of Gálvez, almost all the other Spanish officials who were acquainted with frontier conditions thought adversely of the plan. Pineda was particularly fearful that a levy of this tax would inevitably provoke the Indians to hostility. Bucarely, successor to Croix, was of the same opinion. As late as 1803 there were only 251 tributaries in Sinaloa, and none farther north.[34]

The arrangement of the affairs of the missions from which the Jesuits had been expelled was also begun by Gálvez immediately upon his arrival in Sonora. Here, as elsewhere, the mission property was confiscated, it being considered that the Jesuits, and not the Indians, had actually owned it. Captain Lorenzo Cancio, who had managed the expulsion, placed soldier-commissaries in charge of the property, as was done in California. On September 3, 1769, Gálvez ordered Beleña, with a staff of two assistants, to examine and close the accounts of these commissaries, who were placed in charge only temporarily.[35] On October 20 Beleña had complied with the order. The commissaries were not able to present very favorable or very intelligible accounts of their stewardships; their reports were muddled and incomplete, but from them was gained some idea of the property left by the Jesuits. Twenty-one accounts were rendered, and fourteen suits (*demandas*) were entered against as many of the missions,[36] but of the nature of these suits Beleña gives us no information.

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[33] Beleña, *Manifiesto*, art. 160.

[34] Humboldt, *Tablas Geográfico-Politicas del Reino de la Nueva-España*, in *Boletín de Geografía y Estadística*, Segunda época, I, 639.

[35] Beleña, *Manifiesto*, art. 45, gives a copy of Gálvez' decree. Cf. Bancroft, *North Mexican States*, I, 670.

[36] *Manifiesto*, arts. 45, 95, 215.

There had been fifty missions; of these it was planned to secularize half, that is, those of Sinaloa and Ostimuri as far north as the Río Hiaqui. Over these establishments were to be put priests subject to the bishop of Durango. The more northern missions were to be put in charge of the Querétaran and Jaliscan Franciscans. Affairs spiritual remained for a long time unsatisfactory. Where the secular clergy assumed control they were obliged to work without funds, as no provisions were made for caring for and feeding the Indians, who were ill-prepared for the responsibility of life outside mission shelters. In the Querétaran and Jaliscan missions affairs were similarly unprosperous. The long years of conflict between officials of the state and those of the orders had made Sonora a difficult province to restore to peace and prosperity, in spite of mining rushes which increased the population and the revenues.[37]

Amid other activities, proclamation for the establishment of new colonies on the frontier was not forgotten. A preliminary decree was issued from Álamos on June 23, 1769, just before the beginning of the visitor's illness. By this decree the commissioners of Gálvez were to go to places of settlements, and, in the presence of the parish priest, the "captain-general" and the governor of each group of Indians, divide the lands. The first land to be set apart in each settlement was for the town site; next, four leagues of communal land. Pasture lands were then to be provided, and the priest was to have five *suertes* adjoining the communal lands. The Indians were to have one *suerte* for each head of family, two for the governor, and three for the "captain-general." Titles to the land were to be given and preserved in the new subtreasury at Álamos. No land might be alienated subsequently, but if any were left untilled two years it should revert to the crown. Royal lands outside the needs of the Indians might be leased in perpetuity to Spaniards or unobjectionable half-castes, at two pesos per annum for each *suerte*. When the lands should have been assigned the commissaries were to make lists of the tributaries; this tax was to be fifteen reals for Indians who were married, half that amount for single men, twenty reals for negroes and mulattoes married, ten reals for single men. Indian caciques, governors, etc., were to be free from tribute. The regulation is less prolix than the one provided for California, but in principle it contains the same provisions.[38] A second decree of January 25, 1771, was issued by Croix, providing for details for the operation of the earlier decree of Gálvez.

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[37] For an account of the Querétaran missions after the expulsion of the Jesuits see Fr. Francisco A. Reyes, *Noticia del estado de las misiones . . . de Sonora . . . [que] administran los padres . . . de Querétaro*, in *Documentos para la Historia de Mexico*, Tercera serie, Tom. 4, 724–65, Mexico, July 6, 1772. See also Bancroft, *North Mexican States*, I, 670–76.

In affairs directly pertaining to the revenues, the subdelegate Beleña, preceding Gálvez to the province by a year, and remaining some months after the departure of the latter, took the preliminary steps. The tobacco, gunpowder, playing-card, and quicksilver monopolies were organized, but owing to the illness of Gálvez, which occurred just when many of the final decrees were ready to be signed, the actual establishment of the revenues on the frontier was left to Pedro Corbalán, who in 1770 assumed the office of intendant, to which Beleña had been appointed.[39]

In June of the same year the subtreasury (*caja real*) of Alamos was established. The preparation for this establishment was one of the chief labors of Beleña in Sonora. The creation of a new financial center obviated sending the precious metals of Sonora to Durango or to Guadalajara to pay duty, and in so doing served as a real convenience to the province.

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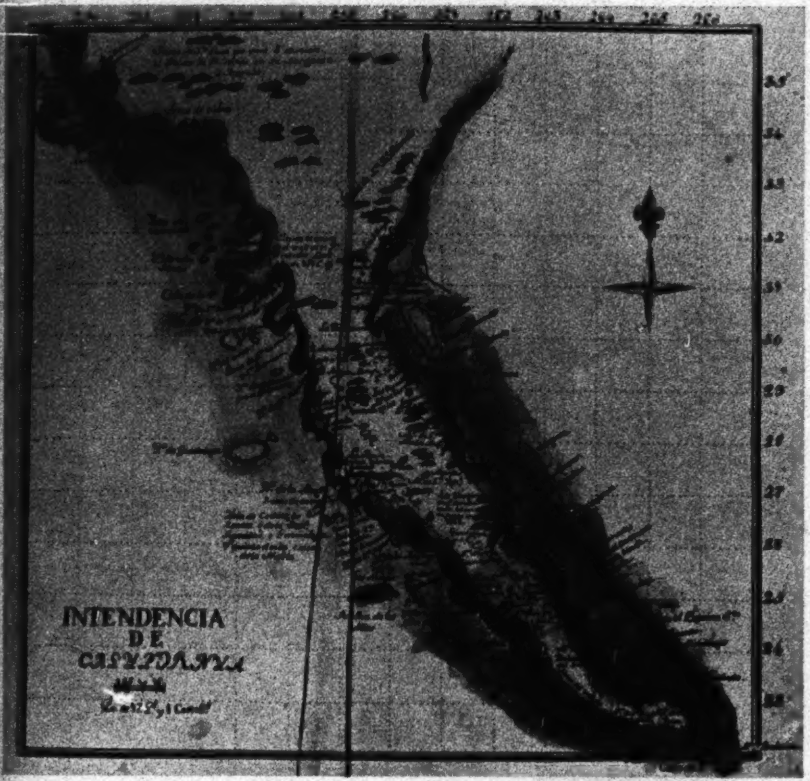
[38] *Instrucciones que deben observar mis comisionados para la asignacion y repartimiento de tierras en los pueblos de Indios de estas provincias y los de Españoles que hubiere en el distrito de sus comisiones*, Joseph de Gálvez, Alamos, June 23, 1769, in *Documentos para la Historia de Mexico*, Tercera serie, Tom. IV, 708–12; *Segunda instruccion*, *ibid.*, 713–17.

[39] Beleña, *Manifiesto*, arts. 111, 112, 198, 236.

The inspection of the presidios which served as defenses of the northern provinces had been intrusted to the Marqués de Rubí in August of 1765; from that time until the spring of 1768 he was busy inspecting as visitor-general the military situation of the frontier and making his recommendation for the reorganization of the presidial line, a problem which Gálvez was obliged to leave largely to the hands of others, though he had intended to make recommendations concerning it when he went to Sonora.

This question occupied the attention of the Spanish and the viceroyal governments during the greater part of the eighteenth century. In 1724–28 Pedro de Rivera made an inspection of the presidios, and submitted a report which was printed in 1736. In 1759 and 1764 ordinances were drawn up in which the principal reform was the attempt to eliminate the practice of paying presidial troops in merchandise sold by their officers—a system which injured the soldiers and made the officers mere merchants. Attempt was made by Cruíllas, acting sluggishly under royal instructions, to shift the alignment of the presidios so as to make them protect efficiently the actual frontier. His efforts were frustrated by interested land-holders of the provinces, who had got presidios placed near their property for their own special protection and combatted attempts to remove them for the sake of defining a frontier. The proposals of Rubí were submitted by Croix to his assessor and Gálvez, who, in conjunction with a *junta de guerra,* approved the plan in its essentials. Several old presidios were suppressed, owing to the establishment of a new frontier upon the acquisition of Louisiana, and some new ones were created. The Rubí plan was ordered to go into effect in 1772. The final establishment of the line, containing fifteen presidios for the defense of the frontier from Matagorda Bay to the Gulf of California, occupied the attention of Teodoro de


INTENDENCIA
DE

7. Proposed Intendancy of California, 1770? A. G. I., 146-6-14. Listed by P. Torres Lanzas, *Mapas y planos de Mexico y Floridas* (Seville, 1900), No. 264.

Croix and Hugo de Oconor, to whom much of the work was intrusted.[40]

6. *The intendancies.*—Had Gálvez retained his health and had the Indians proved more tractable there is little doubt that greater progress would have been made in the initiation of the two great administrative reforms which this minister recommended to the King just before departing for California, and which received the royal approval before he had left the frontier. These reforms were the establishment of the *comandancia general* and of the intendancies. They were twin measures, and concerned the frontier so intimately that it is appropriate to notice them in connection with the expedition of the visitor to that part of the viceroyalty.

The plan for the intendancies was signed by Croix and Gálvez on January 15, 1768. It contains something less than 5000 words, and is suggestive, not legislative, in form. Its purport, essentially in the words of Gálvez, is as follows:

Spain, at the death of Charles II, was in wretched state. His successor took active measures to re-establish national prosperity, one of which was the establishment of intendancies. The intendants have contributed to the rehabilitation of the country by the betterment of civil and economic government of the provinces. This is known by every one who compares conditions as they existed at the beginning of the century with the present situation.

In New Spain (where the system is the same as that of the mother country before the introduction of intendants), though there have been many attempts to make the colonial government similar to that of Spain, such a reform has been opposed by those who admire what is ancient, so that utter ruin impends. Since heaven has placed on the throne the most worthy son of

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[40] Croix, *Correspondance*, 291–2; Bolton, *Texas in the Middle Eighteenth Century*, 107–8, 377–386.

Philip V, who began the restoration of the greatest empire in the world, the time has come to complete the work.

The viceroy of New Spain carries the burdens of the captaincy-general, the political and economic government, and the superintendency of real hacienda, with no help save that of the *alcaldes mayores,* who rather increase his cares than share them. The same is true of the two audiencias, which are often occupied with disputes between the alcaldes.

The remedy will be to introduce the intendant system, whereby men of capacity will supplant these greedy, incapable tyrants who oppress the people and absorb the revenues which they should pay to the crown. Five or six hundred thousand pesos each year are lost to the King through peculations of alcaldes.

It was with cognizance of this situation that the ministers of the King conferred upon Gálvez the title of intendant when he received his orders for the visitation, that he might give instruction in this kind of magistracy in America, where ignorance of the Peninsular system was so great that even subaltern administrators were often called *super* intendants.

Most of the alcaldes are men of meagre intelligence, who do not know how to assist the viceroy; they devote their energies to acquiring riches, and their lieutenants in the smaller towns only render the evil more widespread. Some alcaldes are honest, but overwhelmed with debts; most of them think it proper to appropriate the tributes, of which the King receives only half what he should, to indemnify themselves for the purchase of their positions and for the half annats which they pay on the salaries which they do not receive.

It is thought that, to establish the new system, eleven intendancies will be required. One of these should be a general intendancy of the army for the capital, and the others in the provinces, all to be dependent upon the viceroy as supreme chief and *superintendent of the revenues.*[41] The ten intendancies should be established in Puebla, Oaxaca, Yucatán, Valladolid, San Luis Potosí, and Guanajuato, where the intendants should have 6000 pesos salary; and in Guadalajara, Durango, Sonora, and the Californias, where the intendants should have 8000 pesos. The intendant of Mexico should receive 12,000 pesos, to enable him to maintain suitable lustre in the sight of the viceroy.

These salaries will be repaid to the exchequer by the increase of revenues which the intendants will produce. They will subdelegate their representatives to collect rents in the largest towns, leaving the administration of justice to the *alcaldes ordinarios,* who may also collect revenues in the smaller towns. For this they must have a percentage, lest they steal half, as do the *alcaldes mayores* now. In Guadalajara the intendant might be the president of the audiencia, so that his salary would have to be increased only 3000 pesos over the present salary of the president. The two intendancies of Sonora and the Californias, with that of Durango, should be subject to the new *comandancia general.* The salaries of the intendants will be provided for by decrease in expenditures for presidios and missions, the latter to be erected into parishes, which will be supported by tithes instead of by salaries to missionaries.

The remainder of the plan goes on to discuss minutely suggestions for providing salaries and buildings for the new administrative offices. Two objections to the innovation are anticipated, namely, what to do with the retired alcaldes, and how to supply the place of the *repartimientos.* The objections are met by the statement that the alcaldes can be utilized as subdelegates of the intendants, and the Indians can obtain their supplies from the same merchants who at present supply the alcaldes. For the guidance of the intendants, the ordinance of 1749 for Spain should be enforced, except as to its provisions for the encouragement of manufacturing, which is prohibited in the colonies.[42]

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[41] See above, pp. 57–8, 77.

This plan was approved by the King in August, 1769, with the proviso that it would be well to take sufficient time for the choice of suitable men to whom to confide the new positions. What all the obstacles were which delayed the actual establishment until 1786 we have not sufficient records to show. Some part of the delay was no doubt due to Bucarely, who felt that the new system was too cumbersome and too expensive, and who, in spite of his remarkable capacity, was not able to work harmoniously with Gálvez in many particulars. No doubt the remarkably short terms of most of the viceroys who ruled during the period between Bucarely, who strongly opposed the change, and Revillagigedo, as well as the interruptions due to war, had much to do with the slowness with which this reform, and many others, were put into operation.

The most notable difference between this original plan and that which was finally adopted was the separation of the viceroy from the superintendency of real hacienda; after two years' trial the original plan of Gálvez was adopted, as has previously been stated. The number of intendancies was increased to twelve, and the Californias were never constituted an intendancy, but remained a colony.[43]

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[42] *Informe y plan de Intendencias que conviene establecer en las provincias de este Reyno de Nueva España*, an excerpt from a contemporaneous manuscript in the Edward E. Ayer Collection of the Newberry Library, Chicago. The manuscript bears the modern title, *Informe sobre el estado de Mexico, California, Sonora, y Provincias remotas de Nueva España.* Por José de Gálvez, 1768–1778. See Richman, *California under Spain and Mexico*, pp. 439–40, note 5.

[43] To discuss the vicissitudes of the intendancies would extend this book far beyond its normal limits. Details of their inception may be found in Bancroft, *North Mexican States*, I, 642–4; *History of Mexico*, III, 451–56; Rivera Cambas, *Los Gobernantes de México*, I, 418, 427, 458, 460–1, 479; A. Rivera, *Principios Críticos*, I, 72–3; Cavo, *Los Tres Siglos de México*, 365; Zamacois, *Historia General de Méjico*, V, 657–58; Humboldt, *Political Essay*, I, 266, 282–85. See Smith, *The Viceroy of New Spain*, 254–266, for an epitome of the *Ordenanza* as enacted.

7. *The Comandancia General.*—The plan for the establishment of the *comandancia general* was, like its companion measure, the plan for intendancies, conceived and recommended to the King while the project for the Sonora expedition of Gálvez was being arranged. It was submitted under date of January 23, just eight days later than the other plan, with the papers of the junta which recommended that Gálvez be sent north; indeed, the plan itself states that the establishment of the *comandancia* was made easy by the determination of the junta, for, since Gálvez was going to the frontier vested with the supreme authority of the viceroy, he could, while he was establishing towns and arranging the government of the provinces, erect the *comandancia* upon the basis suggested in the plan.[44] Briefly, the proposals, substantially in the form submitted by Gálvez, follow:

The *comandancia* was projected as a remedy for the decadent condition of the frontier, into which it had fallen from lack of attention by the viceroys, who were too far distant and too busy to make their orders felt in the remote provinces. The new government was to be erected in the Californias, Sinaloa, Sonora, and Nueva Vizcaya. When the plan was finally adopted, Coahuila, Texas, and New Mexico were added, while still later Nuevo León and Nuevo Santander were included.[45] It had been proposed in 1760 to erect the territory of the audiencia of Guadalajara into an independent viceroyalty, but Gálvez and Croix deemed a *comandancia* better and cheaper, as the present audiencia of Guadalajara could attend to judicial matters, and the new *comandante* could govern the territory independently, having only the obligation to acknowledge the viceroy by keeping him informed as to his measures, and asking help from him when necessary. In this manner conflict of authority would be obviated, and the new territory be made as prosperous as the viceroyalty.

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[44] *Plan para la ereccion de un Govierno y Comandancia General, que comprehenda la Peninsula de Californias, y las Provincias de Sinaloa, Sonora, y Nueva Vizcaya*, MS, 104-2-23.

[45] Bolton, *Guide*, 75.

Especially valuable would the *comandancia* be in preventing England and France from realizing their two-century-old project of penetrating to the Pacific from the Atlantic by way of the northern provinces, or in keeping the Russians from descending from eastern Asia into Spanish territory and establishing themselves at Monterey. It would also serve to prevent the English and the Dutch, who had gained, since the time of Anson, intimate knowledge of the Pacific shore, from making further inroads on the west coast from the south.

The new government was to have its capital at a town to be established in Sonora, and not at Durango, as had been suggested when the new viceroyalty was planned in 1760. At this new capital should be founded a mint for the benefit of the miners and the crown; a new bishopric should also there have its seat, exercising control over ecclesiastical affairs of California, Sinaloa, and Sonora.

The *comandante* should be independent of the audiencia and the president of Guadalajara; he should have a salary of 20,000 pesos, to pay for the expense of living with "some lustre" and making continuous journeys through his territory without consuming the resources of its inhabitants in entertaining him—an evil from which the Indies had suffered exceedingly.

For the defense of the *comandancia*, two companies of dragoons and three of fusiliers, all of one hundred men each, would be needed. These troops, divided into flying companies, could protect the frontier at one-third the present cost of the presidios. They should be aided in this by five militia companies of infantry and cavalry to be raised in the Chihuahua district. If larger forces were seen to be needed for new discoveries and conquests they might be formed later, as the territory should prosper.

For the protection of the Chihuahua frontier, a subaltern of the governor should reside there; for this post Captain Lope de Cuellar was suggested, as a reward for his activity when in charge of the expulsion of the Jesuits of Nueva Vizcaya. This would eliminate the *corregidor* of Chihuahua, and allow funds for placing at that post an officer to look after the revenues as a subordinate of the intendant of Durango.[46]

While Gálvez was ill and mentally incompetent in Sonora, he declared in his delirium that he was going to place Teodoro de Croix in the position of *comandante* of the new government. Such was the appointment when it was finally made; this was in 1776, by royal order of August 22. Croix returned to Mexico from Spain in December, and proceeded to Nueva Vizcaya in the following August. He continued in the command until 1783.[47]

In the foregoing pages an attempt has been made to show, as Gálvez expressed them, what his ideas were for the reorganization of the government of New Spain; to attempt to trace these ideas to their conclusion as an actual scheme of government would be to write the entire history of the colony to the time of the revolution of independence. Nor is it profitable to speculate here upon the wisdom or efficacy of the conceptions of Gálvez to accomplish their declared purpose—the prosperity of the colony and the increase of the royal revenues. But it must be observed that these reforms touched but lightly or too late upon the real misfortunes of New Spain, which were social and economic and required remedy more fundamental than mere change of forms of government or fiscal administration. The task which was confided to Gálvez still awaits a competent hand and mind to solve it, after a century and a half of bootless effort.

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[46] *Plan para la ereccion de un Govierno y Comandancia General.*

[47] For further account of the organization and operation of the government of the *comandancia* see Bancroft, *North Mexican States*, I, 637–642; *History of Mexico*, III, 450–451. C. E. Chapman, *The Founding of Spanish California*, Chapter 17.

CHAPTER IX

THE END OF THE VISITATION

Once again in the capital after a continuous absence of over two years, now with broken health, and with a multitude of unfinished affairs to complete, the visitor was obliged to spend more than a year and a half in bringing to a conclusion his American commission.

As had been the case everywhere previously, he was still occupied with many distinct duties concurrently, a fact which renders difficult a coherent account of his activities. His old impetuosity of the early years of the visitation was now somewhat abated; there was now time for an afternoon walk or drive, whereas formerly the entire day had not yielded hours sufficient for its duties. Physical activity was not, however, so essential as it had been, for much of the work consisted in hearing the conclusion of a number of incomplete processes of the visitation—those of the officials of Puebla and of Acapulco—and the arrangement of the municipal revenues, in accordance with the King's instructions.[1] Final measures had to be taken for the regulation of the various branches of the exchequer, and, finally, a comprehensive report of all his reforms and regulations had to be written, to be left with the incoming viceroy for his guidance; with this report was to be made a complete statement of just what funds had been produced by all these measures. In the present chapter are considered the visitor's measures for municipal reforms and his activities regarding the Oriental trade of Acapulco.

1. *Control of the bakers' guild.*—During the latter part of 1770 Gálvez occupied himself in the regulation of the affairs of the City of Mexico. One of the most difficult tasks connected with the administration of the affairs of the capital was that of

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[1] *Instrucción reservada*, art. XXX, Appendix.

seeing that the populace was provided with food, and that the prices of comestibles were kept within bounds. Control of the bakeries of the city was, then, an important problem. Observing that the bakers were not organized into a trade guild, and that they were engaged in frequent litigation among themselves, the visitor attempted to place them upon a better footing under control of the municipality by organizing them into a guild. For this purpose an ordinance was drawn up in November, 1770. It provided for the gradual reduction of the number of bakeries from thirty-eight to thirty, the latter number being thought sufficient to supply the city. The thirty bakeshops were to be placed at uniform intervals, as had previously been the arrangement when the number had been greater, for the convenience of the purchasing public. The members of the guild were assessed for funds with which to erect a common warehouse for their grain; taxes were also levied[2] to raise funds to pay for litigation, purchase of bakeries to be extinguished, and other mutual interests.[3] Provision was made for maintaining the purity of the product of the bakeries, and the price of bread was placed under control of the municipal court known as the *fiel ejecutoría*. This court was composed of three judges, two of whom were *regidores* of the city, chosen in rotation, and the *corregidor*. The *fiel ejecutoría* had charge of the supply of foodstuffs of the capital, and the adjustment of prices, the latter function being performed every four months, with especial care as to the value of wheat, and the number of ounces which should be contained in the loaves sold. Control of the internal affairs of the bakers' guild was vested in four deputies, elected every January by the members.[4] These deputies were made responsible to a treasurer appointed by Gálvez and the viceroy for the collection of duties, fees, and taxes from the members. The treasurer chosen was that Juan

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[2] Croix, *Correspondance*, 263.

[3] Cf. Smith, *The Viceroy of New Spain*, 176–77.

[4] Cf. Revillagigedo, *Instruccion Reservada*, art. 318.

José de Echeveste who served as treasurer of the tobacco monopoly at the time of its organization.[5]

What gain the bakers were to realize for themselves from the new arrangement is not apparent; their profits depended upon the decision of the *fieles ejecutores,* who no doubt conceded to the bakers what they considered a fair return for their investment and labor. The guild was expected, however, to furnish funds to the city in the amount of 6000 pesos annually; this sum was to be used in the maintenance of three hospitals for the poor.

There was opposition to the organization of the guild by unnamed residents of the City of Mexico, who, said Croix, hid from the King the fact that the ordinance of Gálvez had been enacted with the consent of the bakers and with the knowledge of the *fiel ejecutoría,* but complained to his Majesty that the measure was prejudicial to the public welfare. The King, in his reply to Croix concerning this complaint, called attention to the irregularity of putting such a measure into operation without consulting himself; Croix therefore prepared a report of the whole matter, which was still pending before the throne when Croix departed from his command in America.[6]

2. *Reform of municipal finance.*—More comprehensive in scope were the measures which Gálvez took for the regulation of

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[5] See above, pp. 143, 147, 151.

[6] *Reglamento del Gremio de Panaderos de esta Capital para su Abasto y Erección de un Pósito de Trigos y Harinas a Beneficio de su Común* (Mexico, 1771). Croix, *Instruccion que dejo,* in *Correspondance,* 269. Measures attempting to prevent undue hoarding of flour and inflation of bread prices were the constant care of the viceroys, working indirectly through the *fieles ejecutores* or independently. Such measures were of great interest to Revillagigedo, who laid the difficulty of controlling bread prices to that clause in the Gálvez ordinance which limited to a certain number the bakeries of the city. Even the existence of the *gremio* at all he deprecated, in conformity with the growing opinion in Spain at that time against trade guilds. He believed that free competition would prove the remedy, since that principle, established in the regulations of commerce, had brought so much benefit. It is very probable that Gálvez himself had experienced a liberalization of mind between the date of his ordinance for the bakers and the promulgation of the free commerce pragmatic of 1778. See Revillagigedo, arts. 318, 323, 338–41.

the municipal affairs of the viceroyalty. By the terms of Article XXX of his *Instruccion reservada* he was ordered to take cognizance of the revenues of the towns, and to see that proper system in their accounting was observed. Public expenses deemed superfluous he was to stop; any unused municipal funds he was to order applied to the reduction of future municipal taxes (*arbitrios*), lest municipal officers be tempted to malversation of funds by reason of their undue accumulation.

A beginning of this work had been made by Gálvez shortly after he arrived in Mexico for the second time, in January, 1766; reports were called for from the municipal corporations of the viceroyalty concerning their financial condition. Incredible disorder and confusion was discovered to be the rule in municipal accounting; in many of the cities it was found that no accounts at all were kept, even of simple receipts and expenditures. With such a condition it was inevitable that misuse of public money should be frequent. A remedy was sought in the establishment of a general accounting house (*contaduría general*) at Mexico which should keep the accounts of all the cities of the viceroyalty. This accounting house was put under the care of Benito Linares, one of the accountants of the visitation whom Gálvez had brought from Spain in 1765. For the support of this establishment the funds of the municipalities were taxed two per cent. Linares and his three assistants received collectively from the proceeds of this tax about four thousand pesos for annual salaries. So far as the regulation of the funds of cities other than the metropolis was concerned, the establishment of this central accounting house was the ultimate measure then taken. Its effect was to make the local officials feel their responsibility to the central government, without the consent of which, after the accounting house was established, no unusual expenses could be incurred by municipal officers.[7]

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[7] Municipal control in New Spain was exercised under the *Ordenanzas de gobierno de la Nueva España*, which are printed at the end of Monte-

For the City of Mexico itself, the visitor's provisions were more ample. They were contained in the ordinance of 1771.[9] The principal points in which the ordinance changed prior practice were in provisions which limited expenditures and provided for six honorary *regidores* with advisory capacity. The usual *regidores* were given fixed salaries of five hundred pesos, without other fees, stipends, or gratifications of any kind. For such special duties as those of town clerk, police judges, and clerks of the market, the *regidores* were to serve in turn, without special compensation. Economy of expenditures for municipal and religious functions was also enjoined.

Income from the *propios* (revenues from municipal estates) was to be especially guarded. These revenues came from rents from store buildings, houses, and other real property, from *censos* (land taxes), licenses from butchers and slaughter-houses, sale of the office of inspector of weights and measures, and other similar sources. The income so derived was used to pay salaries, costs of public works, festivals, and the general expenses of the *ayuntamiento*. The only change made in these revenues by Gálvez was to raise the licenses for slaughter-houses from three hundred to six hundred pesos per annum. Minute regulations were provided for collection and control of small fees from petty vendors who maintained counters or stands in the main plaza for sale of merchandise (*puestos y mesillas de la plaza mayor*). The officers who collected these fees were reduced in number from three to two, and they were placed under the direction of the municipal treasurer.

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mayor's *Sumario* (Madrid, 1678), Tercera Parte, pp. 1–60. Ordinances for the City of Mexico were approved by Philip V in a cédula of November 4, 1728. They are presented with annotations in Rodríguez de San Miguel, *Manual de Providencias Económico-Políticas* (Mexico, 1834), pp. 187–247. See also his *Pandectas Hispano-Megicanas*, II, No. 2429, for the beginnings of municipal control in the capital after independence. See also Gálvez, *Informe General*, 133–137.

[9] *Reglamento é Instruccion del Visitador Gral Don Jose de Galvez para la Nobilisima Ciudad de Mexico . . . mandada observar por el Marqués de Crois, en Decreto de 22 de Enero del Año de 1771*, Mexico, 1771.

Collection of the important municipal revenue called the *sisa,* a duty of about three pesos per barrel collected on all liquors sold, was also placed under the management of the municipal treasurer, obviating the necessity for employees in the custom-house for this purpose. Inasmuch as the liquors were issued to purchasers from the custom-house, the accountant of that institution was required to keep records of the quantities issued, as formerly; for his services in so doing he was to receive three hundred pesos instead of the five hundred previously paid. The *sisa* revenue of Mexico had, previous to 1770, been drawn upon annually for 3000 pesos for the maintenance of the criminal court known as *La Acordada.* The visitor ordered that this payment should be continued only until such time as the amount needed could be prorated among the several cities of the viceroyalty in proportion to their income—a task to be performed by the accounting house for municipal funds above mentioned.

The revenue known as the *cuartillas* (a payment in kind of three *cuartillas* in each *carga,* or 1.6 quarts in each two hundred and fifty pounds, about, of wheat or barley entered at the custom-house) was used by the municipality to prevent excessive prices on grains supplied to the public. Collection of this revenue was taken from the person to whom it was leased and placed under control of the municipal treasurer. The annual fee of the accountant of this revenue at the custom-house was reduced from three hundred to two hundred pesos.

It would be prolix to follow the details of the ordinance in its provisions for the control of the municipal granary, for the collection of duties there, and for the guidance of the various city officials, or the salaries to be paid to the latter (a few of them with marked reductions). Sufficient has been stated to show that no sweeping change was made in the scheme of administration of municipal revenues. The main purpose was to unify the functions of several officers in one, that salaries might be saved. In consonance with his general policy, Gálvez placed the municipal revenues under administration of city officers instead of under lease, wherever this could be well arranged. This policy gave considerable added responsibility to the municipal treasurer, without added salary. The assimilation of the government of Mexico to the form of that of Madrid, instanced in the appointment of the six honorary *regidores* by the viceroy to serve as a check upon the *ayuntamiento,* was always resented by that body as a particularly grievous manifestation of viceroyal intrusion. In 1794 the *ayuntamiento* succeeded in obtaining a royal cédula which gave to the elective and proprietary *regidores* the power of nominating the honorary ones, thus nullifying the purpose of the creation of the latter.[9]

As a municipal document, the chief interest of this ordinance is in the clearness with which it demonstrates the lack of confidence which the government of New Spain reposed in municipal officers. The *ayuntamiento* of Mexico was particularly unfortunate in being under the direct eye of the viceroy, who left the municipal corporation little to do with public affairs. If the Spanish policy had been developed so as to give increasing instead of diminishing powers to the *ayuntamientos,* which were composed almost exclusively of creoles save in Mexico City, the story of Mexican separation from Spain might have been written with less bitterness than it was.

The work of Gálvez in municipal reform was much needed, but in the opinion of the second Revillagigedo, who was the only viceroy after Croix to enter with sympathy, enthusiasm, and understanding into the spirit of the reforms initiated by the great visitor, it was without practical avail. The ordinance of the intendants, initiated in 1786, embodied the plans of Gálvez for municipal finance, but its provisions had not been enforced as late as 1794. The intendants were instructed under this ordinance to form regulations for the administration of *propios* and *arbitrios*, and to submit them to the *junta superior* of real hacienda for approval. This duty was neglected, and municipal revenues were generally unequal to the constant demands made upon them—a situation due in great measure to the lack of business ability possessed by the *regidores* as a class, who for the most part bought their positions or inherited them; in either case the purchase price rather than competence was the criterion of selection. "Malversation of public funds is a common and inveterate evil," said Revillagigedo, "and concerning it many measures have been adopted, with little or no result, notwithstanding the establishment of the accounting house (*contaduría*), which was the point upon which the visitor José de Gálvez, later Marqués de Sonora, labored most, and gathered least fruit."[10]

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[9] Revillagigedo, *Instruccion Reservada*, art. 158.

3. *The commerce of Acapulco.*—Among the last duties which Gálvez performed before leaving Mexico was that of concluding hearings of cases against the officials of the port of Acapulco. His activities concerning the Oriental trade began, indeed, almost as soon as he landed in Vera Cruz in July, 1765; at that time he learned how prevalent was smuggling at Acapulco, particularly upon the arrival and departure of the Manila galleon. At the beginning, it was impossible for Gálvez to take active measures to suppress the contraband trade of the western port, his subordinates being occupied along the Gulf shore and in Mexico. But in February, 1766, when the visitor was in Mexico, he employed Cubas, the chief guard of the custom-house of Mexico, to watch the road between Acapulco and the capital, to discover what goods were fraudulently brought in among the baggage of the employees of the Acapulco subtreasury and by other means easy of operation on account of the small bulk of the usual Oriental merchandise.[11]

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[10] *Instruccion Reservada*, arts. 154–6; *Real Ordenanza para el Establecimiento é Instrucción de Intendentes* (Madrid, 1786), arts. 28–53.

[11] Gálvez to J. X. Cubas, Mexico, February 27, 1766, 88-5-22. Same to Arriaga, Mexico, January 26, 1767, 88-5-23.

It was an old practice for the customs officers and merchants to smuggle into Mexico great quantities of the imports of the galleons; Cubas detected a number of instances of it during his watch of the highways. Nearly all the treasury officers of Acapulco were involved, and the *castellano* of the port, Fernando Monserrat, nephew of the viceroy Cruíllas and bearing his family name, was likewise implicated. Receiving reports of this situation from Cubas in April, Gálvez began to verify them by the secret investigations of his own subordinates during the month of May, 1766. It will be remembered from the narrative in Chapter IV that this was the time when the quarrel between Gálvez and Cruíllas over questions arising from the Laguna de Términos smuggling cases was at its height. It was hence impossible for the visitor to take any action at that time which would involve the nephew of the viceroy or that official himself, for the latter was determined not to assist him in the exercise of his commission, even when no personal questions were involved.[12]

The belligerent viceroy was removed in August, 1766, as has been seen; with his elimination, the removal of the younger Monserrat from control of the Acapulco commerce was a mere matter of routine. For him was substituted Teodoro de Croix, nephew of the ruling viceroy.[13] It did not occur to Gálvez that the appointment of a relative of the viceroy to the post of *castellano,* where he could, if he desired, co-operate with his uncle in Mexico to defraud the customs duties quite as freely as the two Monserrats were accused of doing, was at all a questionable thing to do. Nor were there in his mind any objections to nepotism as a practice; that the new viceroy and his nephew would avoid the temptations peculiar to their positions was an assumption based on the character and previous record of the two Croix.[14]

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[12] Gálvez, *Representacion* (to the King), Mexico, January 26, 1767, 88-5-23.

[13] This appointment was decided upon when Croix had been hardly a month in Mexico. "Je viens de le [Teodoro] nommer gouverneur d'Acapulco, post qui lui voudra 6 mille écus d'appointements et ne l'oblige à y resider que deux mois et demi pendant le séjour du galion . . ." (Croix to Huechin, Mexico, September 27, 1766, *Correspondance*, 201-2).

As a matter of fact, it was not legally proven that the Monserrats had been engaged in smuggling, nor was any mention made of such a charge when Cruillas came to undergo his *residencia*.

With the younger Croix now in charge at Acapulco, whither he went in December, it was now possible to act on the information obtained by the agents of the visitation in May. On November 28, 1766, were temporarily suspended with loss of salary all the remaining officials of the treasury and port of Acapulco.[15] They were to remain suspended until the King should decide whether or not to adopt the plan for reorganization of the royal service at Acapulco which Gálvez initiated temporarily and proposed should be established definitively.

This plan contemplated doing away with permanent revenue officials at the port. In their place were to be appointed two officers of the *tribunal de cuentas* of Mexico, to go to Acapulco upon the approach of the galleon to serve as *contadores ordenadores*, a title invented for them by Gálvez. It was to be their duty to serve as accountants of commercial transactions in which the government was interested in collecting duties; they were to remain at Acapulco only during the time necessary to handle the business of the galleon. At the same time, the chief guard of the custom-house at Mexico was to go down to Acapulco with four assistants for the purpose of watching the ship and the harbor, lest illicit trading be carried on. Gálvez believed that temporary officers at Acapulco would make it possible to save something over 6000 pesos annually in salaries, while their short stay at the port would discourage them from laying elaborate plans for contraband trade. Under the old system, it was shown at the trials of the suspended officials, consignments of goods to the treasury officers at Acapulco and Mexico were examined only perfunctorily at the custom-house, while the mule-drivers who carried the goods to the interior were often personal dependants of those in power at the capital, hence only outward compliance with the regulations was observed. All the employees, who should have been guarding the royal interests, had entered into collusion to defraud by all possible means, while still other evidences of corruption at the Manila end of the commerce were brought to light.[16]

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[14] "Vous ne pouvez vous figurer les friponneries que je découvre; il y a de mes prédécesseurs qui se foisaient jusqu'à 250,000 livres par an en tolérant ou même en faisant la contrebande; quant à moi, j'aime mieux partir pauvre d'ici, plutôt que de m'enrichir à ce prix" (*ibid*). See Burke, *An Account of the European Settlements in America*, 174–176, for a brief notice of the Acapulco fairs.

[15] "On les a remplaces par les plus honnêtes gens qu'on a pu trouver; mais je les surveille et ai defendu à aucun batiment d'aller à la rencontre du galion, lorsqu'il sera signale" (Teodoro de Croix, letter, Acapulco, January 17, 1767, *Correspondance*, 204).

The temporary officers went to their duty with full instructions from Gálvez as to every detail of the work. The chief responsibility for the success of the new plan devolved upon the younger Croix, who was expected to act under advice from the subdelegate of the visitation, who was at the time investigating the accounts of the subtreasury at Acapulco. In case of need, the accountants from Mexico might also be consulted.

The instructions provided that when the galleon should arrive no one was to approach it without written permission from the *castellano*. Any one attempting to secrete goods being imported should have them confiscated, and be himself punished according to law. Especial care was to be taken to post guards at the towns south of Acapulco, from which the galleon was usually sighted several days before she arrived at the port of destination. One of the methods employed for smuggling was to enter the galleon at these towns and discharge as much as possible of the unregistered goods which she carried. Contraband was also delivered to canoes which put out from the shore to intercept the galleon.[17] The larger part of the excess cargo (500,000 pesos' value was then the legal limit—often exceeded by two or three times) was delivered at the port of Acapulco through the connivance of the treasury officials, the chief of the guard, and the *castellano*. Under the new regulations by Gálvez, no canoes were to be allowed to leave shore upon the approach of the galleon, no stops were to be allowed at the smaller ports to the south, and delivery of smuggled goods at Acapulco was to be prevented by the same method as of old, that is, by the vigilance of the guards. The absolute honesty of young Croix was the greatest guarantee that this part of the reform would be rigidly adhered to. The most efficacious provisions of the new rules were, however, those which brought about the actual inspection of the packages imported.[18] Under the old regulations, every package was assessed duty upon a valuation of 125 pesos, regardless of the value of its contents. As the most valuable goods occupied the least space, the rule was manifestly absurd, though examination of every package of the cargo must have been exceedingly irksome and expensive.[19] The use of the *marchamo* in the manner prescribed for Vera Cruz added to the safeguards of the royal interests, and to the difficulties of conducting commerce.

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[16] *Auto de la visita de Acapulco,* November 7, 1766, 88-5-23.

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[17] “Jugez de ma besogne, car j'ai plus de 60 lieues de côtes à surveiller” (Teodoro de Croix, letter, Acapulco, January 17, 1767, *Correspondance,* 205).

[18] “Un mois après mon arrivée à Acapulco, le galion arriva; je montai à bord sans rien dire, et le lendemain permis le débarquement; je fis confisquer et porter dans des magasins tout ce qui était de contreband et demandai des ordres à mon oncle. Je lui dissais que si je maintenais la confiscation, ce qui n'avais d'appele que du Roi et du Conseil des Indes, S. M. risquait de ruiner le commerce des îles Philippines; que du reste cela était mon avantage, puisque sur la confiscation je touchais 300,000 gros écus, ou 1,500,000 livres, mais que l'on pourrait croire que c'etait là le motif de ma sévérité.

Le Vice-Roi et M. le Visiteur général furent d'avis que S. M. aurait plus à y perdre et diminuérent la peine encourue. Le Roi a touché son droit regulier, correspondant à la valeur de la cargaison; c'est plus de deux millions entrés dans ses coffres et je n'eus pour le mien que 150,000 livres, au lieu de un million et demi” (Teodoro de Croix, letter, May 29, 1767, *Correspondance,* 206–7). Croix served again as *castellano* in January, 1768, when the galleon of that year, the “Santa Rosa,” arrived, on the 11th of the month. He reported her cargo a little more “en regle” than the preceding one (Teodoro de Croix, letter, Acapulco, January 27, 1768, *Correspondance,* 211).

Undue importation of goods of course necessitated undue exportation of silver to pay for them. This exportation was to be checked by the use of *guías, responsivas,* and *tornaguías,* identical with those used in connection with the Vera Cruz traffic, and explained in a previous chapter. By this system of careful checking Gálvez hoped to prevent the exportation of sums so large as to cripple the commerce of the colony with Spain.

The entire plan of reform for the Oriental trade was submitted to the general accountant of the Council of the Indies, Landazuri. As was his habit, he disapproved of the measures of Gálvez in no uncertain words. "All that has been done in regard to Acapulco and the commerce of the ship from the Orient manifests harshness, innovation, and confusion."[20]

Landazuri's charge that the visitor's acts were unnecessarily harsh cannot be denied. The officials who were deposed in November, 1766, were left with their cases undecided for two years while Gálvez was absent in Lower California and Sonora, and it was not until after repeated commands from the King that he completed the trial of the first three of the cases. Finally, in 1771, these first three officials were exonerated, though it was not until a year later that the remaining four were cleared, by the Council of the Indies, of the charges of smuggling and corruption which Gálvez had made against them.[21] For six years they had been uncertain of their fate, without recourse for the sums which they had paid for their offices, and without salaries or income with which to support their families. The petitions of the deposed officials are full of bitterness toward Gálvez for his neglect of their cases. This neglect was rather accentuated than relieved by the action of the subdelegates of the visitation, who, during Gálvez' absence on the frontier, cared to take little initiative in expediting justice.

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[19] Gálvez, *Instruccion reservada* (to Croix), Mexico, November 30, 1766; same to the *contadores ordenadores,* December 3, 1766, 88-5-23; Gálvez, *Informe General,* 105, 110; Teodoro de Croix, letter, Acapulco, March 20, 1767, *Correspondance,* 205. See below, p. 362.

[20] Landazuri, *Informe,* Madrid, July 2, 1767, 136-5-3.

[21] Gálvez to Arriaga, Mexico, December 27, 1771, 88-5-23; Council of the Indies, *Acuerdo,* December 11, 1772, 88-5-23.

The consistent opposition of the Council of the Indies to Gálvez' measures has been commented upon elsewhere in this work. This opposition was shown in the adverse decision of legal suits as well as in recommendations against constructive regulations intended to limit the privileges of the commercial interests, and it may have been that Gálvez, convinced that he would not be supported by the Council in punishing cases of alleged malfeasance, purposely delayed decision in order to assure himself that offenders would be adequately punished before the Council could reverse his decisions. It is difficult to explain on any other hypothesis the long delays which he permitted in the cases which resulted from his visitation. Indeed, it may be said that his sense of justice was not highly developed, although he would have been the first to deny such an imputation. Coming as he did to New Spain for the purpose of reforming the courts of justice, as well as the offices of real hacienda, it is notable that no effort worthy the name was made to correct the evils of the legal procedure of the viceroyalty. It is true that he was charged to make the visitation of real hacienda his chief commission, and it is also true that the great reform measure of his later ministry, the intendancy system, contained reforms of importance in judicial procedure in affairs of real hacienda. But with the administration of justice, or with the need of reducing the excessive litigation which was the bane of administrative and private business, Gálvez seems not to have interested himself in the slightest degree. Acute realization of the full evils of the judicial system and situation was not to come until the younger Revillagigedo saw them, and until it was too late to correct them.

The work of Gálvez in reforming the handling of the galleon trade was productive of great benefit to the public revenues. Due to the zeal of Teodoro de Croix, the revenue of the port was in three years increased by over 500,000 pesos, largely because he enforced the regulations which provided for the assessment of duty upon the bills of lading and upon the actual value of the goods imported, rather than upon a uniform valuation of 125 pesos for each package. More important than this change, however, was the provision of the royal cédula of December 18, 1769, which approved the new plan of operation established for the administration of the port, raised the duty on goods imported from the old rate of seventeen per cent to thirty-three and one-third per cent, and removed the duty on silver exported unless it exceeded one million pesos in value, in which case six per cent was to be paid on the excess.[22]

4. *The return to Spain.*—Two months' work in the capital after his return from the frontier convinced Gálvez that he ought to return to his native land as soon as he could obtain permission to do so.[23] In November the King's tentative consent was obtained, but in the following May it was necessary for Miguel de Gálvez to reiterate the visitor's request, to which consent was accorded, with the specification that he should remain in New Spain three or four months after the arrival of the newly appointed viceroy, Antonio Bucarely y Ursúa, who had been for some years governor of Havana.[24] Permission was at the same

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[22] Gálvez, *Informe General*, 110; Fonseca and Urrutia, *Historia General de Real Hacienda*, V, 36–50.

[23] Gálvez to Arriaga, Mexico, July 26, 1770; Miguel de Gálvez to Arriaga, in his brother's behalf, Madrid, October 28, 1770, 88-5-21.

[24] Arriaga to Gálvez, San Lorenzo, November 3, 1770; Miguel de Gálvez to Arriaga, Madrid, May 11, 1771; Arriaga to Gálvez, Aranjuez, May 24, 1771, 88-5-21; Gálvez, *Informe General*, 5. Bucarely took command of the viceroyalty at San Cristóbal on September 22, 1771.

time granted to Croix to return with the visitor. As a special favor, Gálvez asked that he might be allowed to carry with him to Spain two persons who had been near him during his long illness, his nephew Bernardo, and that Fr. Joaquín the Bethlehemite, who had been sent out from Mexico to Chihuahua to attend the visitor as physician while on the return to the capital. Permission to do so was granted, and six months' salary was advanced to Gálvez to defray his expenses on the return voyage.[25]

During the closing days of November, 1771, Gálvez prepared for departure on the "San Rafael" or the "San Bartolomé," vessels lying at Vera Cruz under command of the Marqués de Casinas. After eighteen days of bad sailing, the visitor and the former viceroy reached Havana on December 17. They were detained at that port by contrary winds and inconstant weather until April 8, and arrived at Cadiz on May 21.[26] Proceeding at once to Madrid, Gálvez was received with honor by the King; his personal debts to Echeveste incurred in Sonora, to the amount of 30,000 pesos, were ordered paid from the treasury. It was not long until he began to serve actively in his capacity as a member of the Council of the Indies, he having been honored with an appointment to that body before he had gone on the expedition to Sonora.

We have now to turn our attention to a survey of the institution of real hacienda in New Spain, and to the work of Gálvez in his attempts to reform it.

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[25] Gálvez to Arriaga, No. 80, Mexico, August 3, 1771; Arriaga to Bucarely, Madrid, December 21, 1771, 88-5-21.

[26] *Correspondance*, 227.

CHAPTER X

REAL HACIENDA AND THE REFORMS OF GALVEZ

At the close of Chapter II an outline of the system of administration of real hacienda as a part of the government of New Spain showed the connection between the various parts of the fiscal system, and dwelt upon its importance as a means of producing revenue for the Spanish monarchs. The various sources of revenue were not then discussed, it being desirable to defer their treatment until the recommendations for reform made by Gálvez might be presented in their proper relations. It is now proposed to present a detailed account of the revenues of New Spain, their origin, nature, and such details of their history as are needed for a proper understanding of the system of public finance, and of the part which Gálvez had in reforming it.

At the close of the eighteenth century, when the institution of real hacienda had reached its highest development and its most complete organization, the public funds of New Spain were divided into three or, in fact, four groups. The first consisted of all moneys derived from imposts upon the ordinary and extraordinary activities of his subjects from which the king expected to derive a net profit—after deducting the expenses of collection—applicable to the discharge of government liabilities, either within the viceroyalty or outside of it. The total amount of such net revenues was designated the *masa común,* or general fund. Thirty-five *ramos,* that is, branches or sources of revenue, or, according to a variant grouping, thirty-eight branches, composed this group; but the added three, composing the *masa remisible á España,* were, after the adoption of the intendant system, devoted to supplying money to Spain direct (they had done so earlier at intervals), and after that time their income was not applied to the *masa común.* They might be called a separate group.

The second, or rather third, group of revenues, distinguished from those of the groups above by their origin and by the fact that they did not enter the general fund, was composed of five branches. They were dedicated to specific uses.

The fourth group of funds was not in reality a constituent part of the royal revenues; it was made up of moneys derived from special sources and dedicated to specific purposes semi-private in character, but conceded the protection of the treasury on account of their close connection with the purposes of a paternalistic government. There were thirty-nine of these funds (*ramos agenos*), many of which might better be called liabilities or charges than sources of revenue or assets.

When Spaniards spoke of real hacienda or the real erario, they meant those moneys or those financial activities which produced government revenues, that is, the branches which composed the first two of the four groups. Before proceeding to the discussion of these branches individually, it should be stated that each of them was managed in one of three different ways, or, under certain circumstances, any specific revenue might itself be managed in all three of the different ways in the various parts of the viceroyalty. The commonest way of collecting revenues prior to the time of the visitation of Gálvez was the *arrendamiento,* that is, the plan of leasing the revenue to an individual for an initial payment or an annual one, or both. Such leases were advertised to be sold by the government and granted to the highest bidder, in case bids could be obtained. A modified form of the lease was the *encabezamiento*, by which a leading city or *cabezón* (such a city with its tributary district) was induced to take upon itself the collection of one or more revenues for a share of the proceeds. The third method of collection, toward the general establishment of which the activities of Gálvez were directed, was that of direct government administration; that is, the revenues were collected by the treasury officials. Revenues either leased or administered were, especially in the case of very profitable ones, held as monopolies, either by the crown or by the lessees. Of course in the case of a monopoly (*estanco*) production of a staple commodity was restricted to certain persons or to certain areas, under contracts in which the price of purchase and of sale and delivery of the product monopolized was fixed. The result of the monopoly system was incessant conflict of interests between the contractors and other subjects whose activities were curtailed, with the concomitant smuggling and collusion to commit frauds.

The lease of crown revenues was well nigh universal under the Hapsburgs, but was by the Bourbons considered the sign of a decentralized and hence a weak government. Lease to city or other corporations was supposed to possess the virtue of interesting a large number of persons in the equitable collection of the revenues. Direct administration was thought to be the best plan of operation where large net profits were certain. Where profits were risky, the government preferred to lease the revenue for a fixed sum, thus assuring itself a stated income in advance and reducing somewhat the number of salaried officers.[1]

1. *Revenues from precious metals.*—The first of the revenues

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[1] Cf. Scelle, *La Traite Négrière*, I, 22–24. Those revenues of New Spain which were administered independently, that is, by specially appointed officers, in the time of Revillagigedo the younger, were: revenues from tributes, coinage, quicksilver, salt, gunpowder, playing-cards, the *alcabala*, *pulques*, grocery licenses, dispensations, tobacco, lottery, and the postal service, the latter being subject directly to the superintendent general of posts in Spain.

The revenues administered in the subtreasuries (*cajas reales*) were: those from duties on gold, silver, jewelry and assays, tithes, *novenos*, *escusado y vacantes*, half annats (both secular and ecclesiastical), *lanzas*, salable and renunciable offices, composition of public lands, cockfights, leather, snow, stamped paper, court fines, branding licenses, smuggling fines, the copper, lead, and alum revenues, the balances of accounts, *aprovechamientos*, proceeds of unclaimed property (*bienes mostrencos*), and gifts.

Certain duties were peculiar to Vera Cruz: the *almojarifazgo*, ballast, *avería*, *armada* and *almirantazgo*, the brandy, wine, and anchorage duties, and export duties on gold and silver (Revillagigedo, *Instrucción Reservada*, arts. 928–930). Cf. Smith, *The Viceroy of New Spain*, 266–9.

which constituted the *masa común*, or general fund of real hacienda, was the duty on assays of gold and silver (*derecho de ensaye*). The office of assayer was conceded to certain persons by sales dating from the year 1522, in October of which Doña Juana, then reigning, ordered that all public offices not directly judicial in character should be sold.[2] Upon this basis the business was conducted generally in the various subtreasuries where the duty was collected, that is, in those situated near the mines. Thus it was conducted in Guanajuato at the time Gálvez made his journey thither in 1767. The assayer at that place had bid 8000 pesos for his contract, and had paid but one-third of the amount, yet the profit he was making was shown to be 20,000 pesos, the difference representing approximately what was lost to the crown by failure to take the revenue under administration. Similar conditions existed elsewhere, and the miners were not efficiently served, being subjected to delays and other vexations from insufficiency of assayers. The visitor therefore recommended that assaying should be administered, and numerous measures were taken to that effect after he had returned to Spain. It was not until 1782, however, that assayers were incorporated under the crown, by royal order dated November 19. Ordinances governing the business of assaying were adopted in 1783, Matías de Gálvez being viceroy.[3]

The levy of assaying duties was quite complex. Every assay of gold cost two pesos; in addition, each mark[4] refined cost four reals. Every piece used by jewelers was assessed half a real for the government stamp. Every ingot weighing ten marks and over was assessed one *ochava*, and half of that amount if it weighed three to five marks. Silver paid three pesos assay duty for every ten marks; every bar weighing over one hundred marks paid also one ounce, and lesser bars in proportion; besides these, there were numerous smaller levies to be paid on gold and silver wire.[5]

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[2] Fonseca and Urrutia, *Historia General de Real Hacienda*, I, 45.

[3] Fonseca and Urrutia, I, 45–47; Maniau, *Compendio, 2a parte*, 157; Gálvez, *Informe General*, 73.

[4] Eleven pennyweights. An *ochava* contained seventy-two grains.

In the quinquennium 1785–89 this revenue yielded a gross return of 391,460 pesos; the cost of administration was 255,360 pesos; net receipts, 136,100 pesos; average annual return, applicable to the general fund, 27,220 pesos.[6]

The second revenue, the *derecho de oro,* was derived from duties paid on gold extracted from mines and placers, in recognition of the king's prescriptive right to all metals found in his realms, a right recognized by declaration of the Cortes of Alcalá in 1386. Under Juan I, one-third of the net product of the mines went to those who worked them.[7] By royal cédula of February 5, 1504, it was ordered that a revenue of one-fifth should be collected on all metals taken from the mines. Prior to that date the exaction had been variable.[8] This contribution of one-fifth was reduced to one-tenth by royal cédula of September 17, 1548, for a term of six years, but this period was extended repeatedly until in 1572 it was made permanent for the mines of Nueva Galicia and Zacatecas. In 1716 the rate of one-tenth was established for New Spain entire by cédula of December 30. By royal cédula of June 19, 1723, the duty on silver was reduced to one and one-half per cent and one-tenth, and by a later cédula of March 1, 1777, the duty on gold was reduced to three per cent, in order to stop smuggling.[9]

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[5] Revillagigedo, *Instrucción Reservada,* arts. 1231–34.

[6] By 1788–92 the net sum had risen to 30,516 pesos (Maniau, *Compendio, 2a parte,* 159; Revillagigedo mentions 35,000 pesos as the annual profit (*Instrucción Reservada,* art. 1236). The ordinance for assayers is found in Fonseca and Urrutia, I, 52–108; a table of the duties collected appears on p. 100 of the same work.

[7] Fonseca and Urrutia, I, 2–3.

[8] Maniau, *Compendio, 2a parte,* 4; Bancroft, *History of Central America,* I, 185, note.

[9] Maniau, *Compendio, 2a parte,* 4–5; Revillagigedo, *Instrucción Reservada,* art. 1228.

The duty on gold for the quinquennium 1785–89 amounted to 66,570 pesos. There was no cost of collection, hence the net annual revenue was 13,314 pesos. In 1788–92 the net product was 19,382 pesos.[10]

The third revenue was the fifth (*quinto*) paid on all silver bullion. Prior to 1777 gold and silver had paid double seigniorage, first at the provincial subtreasuries and again at the mint; after 1777 the total duties on precious metals amounted to about eleven per cent. Humboldt, basing his statement on a *Representación* of the mining corporation of New Spain in 1774, showed that duties on silver then amounted to about sixteen and one-half per cent. The net annual product from gold and silver mining from 1765 to 1789 was as follows:[11]

Year	Gold, pesos	Silver, pesos
1765	76,012	1,249,018
1766	69,338	1,318.179
1767	73,783	1,310.822
1768	92,787	1,349,569
1769	83,551	1,474,273
1770	68,663	1,567,913
1771	102,363	1,404,335
1772	115,446	1,560,941
1773	96,910	1,730,532
1774	97,319	1,521,078
1775	100,432	1,611,956
1776	92,913	2,020,276
1777	64,673	1,965,651
1778	19,215	1,669,870
1779	18,518	1,921,111
1780	15,797	1,656,072
1781	16,165	1,973,082
1782	14,268	1,753,809
1783	16,664	2,215,514
1784	13,843	2,029,397
1785	13,717	1,764,788
1786	10,743	1,559,553
1787	13,031	1,753,673
1788	13,491	1,885,240
1789	15,585	2,019,586
Total,	1,315,219	42,326,249

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[10] Fonseca and Urrutia, I, pp. xii, 34, 43; Maniau, *Compendio, 2a parte*, 6.

[11] Fonseca and Urrutia, I, pp. xii-xiii, 40–43; in the above table the fractions of pesos given in the original have been omitted, hence the totals are only approximate. Humboldt gives the total gold and silver production (not duties) between 1690 and 1803 as 1,353,452,020 pesos; the total registered gold and silver from all Spanish colonies from 1492 to 1803 at 4,035,156,000 pesos; the amount smuggled during the same period 816,000,000 pesos. Between 1785 and 1789 the receipts of silver in New Spain amounted to 9,730,000 pesos. The two and one-half million marks of silver annually exported from Vera Cruz equaled two-thirds of the production of the entire globe. It is interesting to note the colonial pro-

The foregoing figures are of interest as showing conclusively that the charge brought against Gálvez that his reforms were reducing the productivity of the mines by one-third was untrue.[12] The production of silver was singularly uniform, while that of gold was fluctuating, as in 1771 and 1772, for instance, when the placers of Cieneguilla, in Sonora, were yielding their best, the gold production was very high above the average.

A fourth revenue, the *bajilla*, was derived from the manufacture of gold and silver jewelry. This duty was first collected in 1578, and was paid in addition to the assay duty and the fifth at the rate of three per cent on gold and one and one-half and one-tenth per cent on silver, besides a tax of one real in each mark, to correspond to the duty which would have been paid if the metal had been coined.[13]

During the quiquennium 1785–89 the total revenue from this source was 70,805 pesos. The cost of collection was about 2000 pesos, leaving a net income of 68,805 pesos, or 13,761 pesos annually. In 1786–90 the net revenue averaged 14,977 pesos; in 1788–92 it was 13,625 pesos.[14]

A fifth revenue, that from coinage (*amonedación*), was one of the most ancient in New Spain. A mint, under lease, was established in Mexico by cédula of May 11, 1535; two other mints, one in Nueva Granada and another at Potosí, in Peru, were established at the same time. They operated under the laws

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duction of gold and silver upon which duties were paid in the time of Humboldt:

New Spain produced annually	22,170,740 pesos
Peru produced annually	5,317,988 pesos
Chile produced annually	1,737,380 pesos
Buenos Aires produced annually	4,212,404 pesos
New Granada produced annually	2,624,760 pesos

In 1775 Campomanes estimated the imports of gold and silver into Spain at 30,000,000 pesos, exclusive of that smuggled (Humboldt, III, 141, 146, 389, 416, 418).

[12] See Chap. V.

[13] Fonseca and Urrutia, I, 389; Revillagigedo, *Instrucción Reservada*, art. 1229.

[14] Fonseca and Urrutia, I, 388–410; Maniau, *Compendio, 2a parte*, 64; Revillagigedo, *Instrucción Reservada*, art. 1230.

which governed the mint of Castile. The seigniorage duty for the Indies was fixed by royal cédula of February 15, 1567, at one real for every mark of silver, this to be paid to the king, and two reals in every mark to be paid to the treasurer and to the contractor who operated the mint. A law providing the death penalty for coining silver on which the royal fifth had not been paid was enacted in 1535, and reaffirmed in 1565, 1620, and 1646. Civil suits to which mint operatives were parties were heard before the special court of the mint; criminal suits in which they were concerned went before the ordinary justices.[15]

Coinage continued in private hands until the second quarter of the eighteenth century. Prior to 1718 the office of chief smelter (*apartador*) was a salable one. In 1680 it was bought for 60,000 pesos, but the right to the office from this purchase was abrogated by the government in 1718. As early as 1729 it was proposed to operate the mint under government administration, but the project was not then carried out.

In 1733 the centralizing policy of Philip V was shown in the creation of a *Junta de Moneda* at Madrid to which was confided exclusive power to handle all matters concerning coinage of the Indies. Especially was this junta to prevent counterfeiting and frauds in the fineness of coins. José Patiño, the secretary of state and hacienda, was president of the junta; other members were chosen from the supreme royal council, the Council of the Indies, the *contaduría mayor de cuentas,* the Consejo de Hacienda, and from the *junta de comercio.* No appeal from the decisions of this new junta was permissible save to the royal person.

In the same year that this junta was organized foundation of a government mint was undertaken in earnest. Impetus to the work was given by the fact that a government mint for Spain had just been erected. Experts were sent out to Mexico with machinery, and a new building, costing 200,000 pesos, was erected, to be paid for by a new duty of an added real in each mark of silver coined. The *oidor* José Fernández de Veitia Linage, then superintendent of the mint, was instructed to make a thorough visitation of the official staff of the old mint, and to recommend to the viceroy what means might be employed to terminate the contracts which those officers held, so that the new institution might be put under administration. In 1730 the ordinances under which the mint operated were promulgated, and it was placed under administration in 1733. After this establishment coinage for individuals was discontinued, the government purchasing and coining all the output of the mines on its own account. It was provided at this time that one million pesos should be kept in reserve for purchase of precious metals to coin. In 1780, by royal order of September 16, this sum was increased to 2,600,000 pesos. The mint of Mexico was the largest of its kind in the world; from 1788 to 1790 its output was twenty million pesos annually.[16]

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[15] *Recopilación,* ley 1, tít. 23, lib. 4.

Government receipts from coinage from 1740 to 1749 were 436,957 pesos; the amount of money coined averaged 10,785,092 pesos annually. For the period between 1733 and 1776, the average yearly income paid to the crown from the coinage duty was 692,150 pesos. Revenue from this source was augmented by the profit from the customary alloys used in making the coins. During the quinquennium 1785–89 the entire revenue, after deducting 1,766,735 pesos for operating and other expenses, such as purchase of new machinery, was 6,101,770 pesos, or 1,220,354 pesos annually. The entire amount of money coined between 1733 and 1790 was 810,905,885 pesos, on which the government profit was 22,843,975 pesos. From 1777 to 1790 the net revenue was 17,218,623 pesos.[17]

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[16] Maniau, *Compendio, 2a parte,* 34.

[17] Fonseca and Urrutia, I, pp. xiii, xiv, 106–296; Maniau gives the net product for 1788–92 at 1,369,424 pesos (*Compendio, 2a parte,* 37); Revillagigedo, *Instrucción Reservada,* arts. 949–973.

The interest of Gálvez in the development of the mining industry and all that pertained to it was little less than a passion, since it was to this industry that the home government still looked as the most profitable source of income. Reference has been made on earlier pages to his efforts in behalf of the mining corporation (*cuerpo de minería*), and his measures for reducing the price of quicksilver and other necessities used in the mines. His suggestion, embodied in his report to Bucarely, for the improvement of the condition of the mint, was limited to one point, namely, that the sum (on which the treasury was still paying interest at five and six per cent) due to former mint officers as the price of abrogation of their leases when in 1733 the mint was made a government institution should have been paid off long ago in annual installments. He recommended that the King be informed that this payment of interest was still working prejudicially to the net revenue from coinage, and that the situation should be remedied by paying up the principal—a sum slightly in excess of 700,000 pesos.[18]

2. *Revenues from baser metals.*—Revenues from mines of alum, copper, lead, and tin constituted a sixth branch of real hacienda. These mines were situated in the three districts of Santa Clara, Ario, and Laguacana, in Michoacán. Numerous other deposits existed, but they were not regularly worked, and hence were not levied upon for appreciable revenues. The earliest record of crown income from the Michoacán mines shows that they were leased in 1657 for a term of six years at two hundred and fifty pesos per annum. In 1731 a leasehold sold for 2800 pesos, and in 1787 for 1605 pesos. No attention was paid to these mines by Gálvez. The elder Revillagigedo had, earlier in the century, made an effort to increase their output, but the product remained insignificant, being, in fact, insufficient

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[18] Gálvez, *Informe General*, 15; for later administrative details see Revillagigedo, *Instrucción Reservada*, arts. 974–998.

for the military needs of the viceroyalty. When the mines were first operated the mineral produced was sold freely in the open market, but later, when crown necessities absorbed all that was produced, it was controlled as a monopoly. This was in 1792 ordered abolished, but the order could not be enforced, owing to the excessive demand of the government for such minerals. The revenue for 1785–89 was 2732 pesos, and for 1786–90, 2612 pesos.[19]

3. *The tribute.*—One of the earliest of all the levies of the Spanish kings upon their colonial subjects was the tribute, the seventh revenue of this list. When Cortés exacted from Moctezuma his pledge of vassalage, he received as an earnest of the submission of the Aztecs more than 100,000 golden ducats' value in gold, silver, and precious stones.[20] The tribute was, indeed, an ancient revenue among the Aztecs; every eighty days they paid their overlord tributes of more than one-third in all kinds of effects and manufactures, personal service being demanded of those who had nothing else to give. The Spaniards began to collect the tribute in New Spain in 1522; the amount required in token of vassalage was reduced during the time of Mendoza to only thirty-two reals (about 4 pesos) for each Indian. Income from tributes was applied to real hacienda by Charles I, but Philip II in 1573 gave it in large part to the *encomenderos*, reserving to himself the tributes from the Indians living in the chief towns and ports. In 1572 he ordered that the *corregidores* should not keep all the tribute they collected, but turn over a part of it to the crown. Up to the time of the intendants collection of the tributes was almost uniformly in the hands of the *corregidores* and alcaldes.[21]

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[19] Fonseca and Urrutia, III, 521–637; Revillagigedo, art. 1307.

[20] Maniau, *Compendio, 2a parte*, 8, says 100,000 pesos; Fonseca and Urrutia say 1,000,000 pesos; see Cortés' first letter to Charles I, translated in Humboldt, *Political Essay*, III, 111.

[21] Fonseca and Urrutia, I, 412–414; Bancroft, *History of Central America*, I, 262–4, note 7, discussing the *repartimiento* and the *encomienda*, outlines

In 1537 the tributes of various districts were leased to collectors, commissioners having been previously sent out to estimate the number of Indians who ought to pay tribute, and to find out what amount they were capable of paying. By 1544 the treasury (*caja real*) of Mexico, with four keys for as many officials, was used to contain the crown funds, including the tributes. In 1553 the *corregidores* were in charge of the collection of the latter revenue.

The audiencia of Mexico in 1571, under authority of a royal cédula dated twenty years earlier, made efforts to regulate and standardize the collection of tributes in the various towns. By the unequal regulations then adopted tributaries in towns where shawls (*mantas*) were woven paid one *puerta* (a woven door curtain?) and about one hundred and fifty pounds of maize. In other places married tributaries paid seven and one-half reals and one *fanega* (one hundred pounds) of maize. Unmarried tributaries paid half the latter tax.[22]

In 1569 there were one hundred and fifty *alcaldías mayores* in New Spain, the tributes from which went to the king alone. They produced 326,403 pesos in revenue, most of the amount being derived from public auction sales of the produce in which the tribute was paid. The goods accepted to satisfy the impost were cochineal, cacao, wheat, fish, honey, poultry, and clothing. The auctions were held in the presence of an *oidor* and a fiscal of the audiencia.

In 1574 the tribute was levied upon all free negroes and free persons of colored extraction, the rate being two pesos per capita per annum. A year later Indians who should peaceably settle

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the system of collecting the tribute in the Indies; Zurita, *Brebe y Sumaria Relacion* (MS, 1554) is a lengthy dissertation on the tribute system before and after the conquest, addressed to the crown by this noted jurisconsult. A contemporary copy is in the Bancroft Collection. The *Relacion* is printed in García Icazbalceta's *Nueva Colección de Documentos para la Historia de Mexico* (Mexico, 1886–92, 5 v.), III, 71–227.

[22] Fonseca and Urrutia, I, 416; Revillagigedo, art. 931.

in towns and become Christianized were allowed to pay half tribute for a term of two years. Philip III exempted voluntary converts from tribute during the first ten years of their "reduction."

By 1580 the order exacting tribute from persons of negro blood was in general effect. At that time the rate of two pesos was established for all persons liable to the tax. From this duty the Tlascalans were exempt on account of the assistance which they had rendered to Cortés; in 1591 they were, nevertheless, in common with the tributary class, obliged to pay a new tax of four reals known as the *servicio real* (a payment in lieu of personal services to the king).[23]

In 1597 the increase of revenues from tributes and quicksilver obliged the viceroy to create a general accounting house in Mexico to keep the accounts of these revenues for New Spain proper, which had previously been under the care of the treasury officials. The head of the new office received 1875 pesos in salary, and was bonded for 40,000 pesos. By the creation of this new accounting house the audiencia as well as the treasury officials were relieved of direct care of the two revenues. Such was the situation until the time of Gálvez, who recommended that the authority of the accounting house should be extended over the territory of the audiencia of Guadalajara, just as the authority of the accountant of the *alcabala* revenue had been.

In 1600 the tribute, then apparently collected at one peso per capita, produced a gross revenue of only 256,012 pesos. Expenses of collection were practically 40,000 pesos; salaries of *corregidores* consumed over 19,000 pesos, pensions to descendants of the conquerors took 36,000 pesos, and small sums went to the college of San Juan Letrán in Mexico, to pensioned officers, etc. The royal treasury retained only about 144,000 pesos.[24]

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[23] Maniau, *Compendio, 2a parte*, 9; Solórzano, *Politica Indiana*, I, 64-69; *Recopilación*, titulos 12-17, lib. 6.

[24] Fonseca and Urrutia, I, 421.

Certain fixed charges were made against tribute revenues to pay inheritances to holders of perpetual *encomiendas.* The first payment of this kind was made in 1577; as late as 1791 heirs of Cortés and Moctezuma, as beneficiaries of perpetual *encomiendas,* received annually over 100,000 pesos from tributes. A small amount was also paid at the latter date to holders of temporary *encomiendas,* these being granted for one, two, or three lives, and reverting to the crown upon lapse. In 1602 and 1612 it was ordered that lapsed *encomiendas* should not be again alienated from the crown.[25] Originally the grant of an *encomienda* confided to the recipient temporal and spiritual care of a group of Indians in return for a part of the tribute. Latterly, temporal aid to the natives consisted of the sale by the *alcaldes mayores* of supplies needed, especially for agriculture. Even this aid was withdrawn in 1786 by the ordinance of the intendants.

There was no uniformity in the amount of tribute collected in different localities, nor was there regularity in the time of collection. In the last quarter of the century there were one hundred and fifty *alcaldías mayores* and districts (*partidos*) which paid tribute into the general accounting house. Some of them paid every four months, some semi-annually, and still others annually. After 1756 the practice was quite general to pay every four months. During the later period the contribution was usually paid in money, the amount commonly being two pesos and one-half real. Besides this sum, half a real was collected from each tributary for the Indian hospital, and another half real for legal services for Indians (*medio real de ministros*). In some places the tribute was twelve reals, in others eighteen, and in still others twenty reals. Where the tax was paid in kind there were even greater irregularities. On the northern frontier the Indians usually escaped the tribute, as in Sonora and Sinaloa (except Culiacán), most parts of Nueva Vizcaya, and Texas. In New Mexico tributes were paid during the earliest period, and even until the close of the eighteenth century. In some of the frontier regions a smaller tax, called *vasalaje*, was collected as a preparation for the exaction of the full tribute.

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[25] Fonseca and Urrutia, I, 426; for various inheritances paid from tributes see the work cited, pp. 455–74. The sixteenth and seventeenth century *encomiendas* are discussed in Solórzano, *Politica Indiana,* I, 224-433. Discussing the effect of the Gálvez reform of the *repartimiento* system, or rather its abolishment, by Article 12 of the ordinance of the intendants, Revillagigedo says that the immediate effect of the measure was inimical to the welfare of the Indians, hence indirectly to the prosperity of agriculture and the public revenues. When the *repartimiento*—the provisioning of the Indians with tools, animals, and seeds—was done away with, the former recipients of these supplies were bereft of the initial means of livelihood. The local justices, to whom the ordinance was particularly offensive, exerted themselves to make its provisions odious in the extreme, refusing to advance supplies to the Indians on credit. Added confusion came from persistent rumors that the intendancies were to be suppressed and the *repartimientos* restored; pending some definite determination the Indians remained helpless (*Instrucción Reservada,* arts. 456–8).

The lack of tributaries on the northern frontier is explained by the lack there of Aztec peasantry among the natives, hence of Indians of settled life. In Nueva Vizcaya the inhabitants avoided the tax by virtue of having pure white blood or by pretending that they had. In Sonora in 1793 there were only 251 Indians who paid tribute, while in Sinaloa 1851 then paid it.[26] This condition prevailed in spite of the earnest efforts of the viceroyal government to change it. A conspicuous effort of this kind was made by José Rodríguez Gallardo, who was sent to the frontier in 1753 to establish collection of tributes, and to determine other frontier problems, for the solution of which he held a commission as visitor-general. His efforts concerning tributes produced nothing but discussion, which continued until the time of Gálvez.

The latter minister undertook to establish the revenue from tributes upon an equitable basis. To that end, he called upon the chief accountants of the branch in 1769 for a full report of the gross and the net income, and the rules for the collection of the tax. The report showed that, owing to epidemics, the tribute had fallen off remarkably in the triennium just completed, and that a considerable number of negroes and mulattoes in the larger cities were escaping the levy through failure of the authorities to have that class of the population properly registered.[27]

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[26] Humboldt, *Political Essay*, II, 241, 257–8.

The report of the chief accountant of tributes, Fernando José Mangino, was approved by Gálvez, but as the new viceroy, Bucarely, arrived before measures could be taken to put new plans into practice, the proposals of Mangino were included in the recommendations which Gálvez made to Bucarely.

The first of these proposals was that the exaction from the Indians should be equalized; at that time the lowest tribute paid was about one peso, the highest amount paid by Indians was about two pesos, while negroes paid three pesos. The second proposal was that all unmarried Indians between the ages of eighteen and fifty, hitherto classed as half tributaries, should pay the entire tax, in accordance with ley 7, título 6, libro 8, of the *Recopilación*. This recommendation was prompted by the fact that the obvious effect of discrimination in favor of single Indians had been to discourage matrimony, working to the prejudice of society. Married women were also to be made exempt in fact, as they were in theory, by ley 19 of the título and libro above cited, from paying tribute.[28]

Another suggestion was that the tribute of two pesos, provided by ley 9, título 5, libro 6 of the *Recopilación*, should be regularly collected in all the mining camps. Gálvez had, while on his expedition to Guanajuato in 1767, as has been noticed in a previous chapter, taken measures to enforce the collection of the tribute in the mines there; the mere observance of existing rules resulted in an increase of revenue from this capitation tax in the sum of 25,000 pesos annually.

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[27] Fonseca and Urrutia, I, 431–450.

[28] Gálvez, *Informe General*, 92.

The fourth suggestion was that the mass of the common people of Mexico City should be accurately registered by an *oidor* of the audiencia acting as a visitor, and that in the metropolis the tribute should thereafter be efficiently collected by the alcaldes. Such a practice was then in operation in Guatemala, being, indeed, legally prescribed in ley 21, título 5, libro 6 of the *Recopilación*. Observance of this law had been urged upon Gálvez by the fiscal of the audiencia, but action had been delayed owing to migrations of the people due to economic conditions resulting from dry years, and to the fact that the commissioners appointed by the visitor and the viceroy to report on the revenues of the country had not yet made their reports.

Lastly, it seemed wise that the *alcaldes mayores* who collected the tribute should be given a certain percentage of the gross receipts from wandering Indians (*vagos*). It was believed that this plan would keep the alcaldes from stealing, as they did at that time, and the percentage would make them alert to collect all the tribute possible. Indeed, the visitor was certain that the unproductiveness of the tribute was chiefly due to the character of the *alcaldes mayores,* who were not interested in collecting any other than the tributes of the thoroughly "reduced" Indians (i.e., those settled in towns and Christianized), as their personal incomes were not increased in proportion to the exertion required to obtain the tax from the unsettled population.[29]

The remedy for this, as for a number of other economic ills, was to be the establishment of the intendancies, the plan for which had already been accepted by the King. It was hoped that the intendants, by virtue of being chosen from a better class of society, could be profitably intrusted with administrative duties which the alcaldes had proven themselves incapable of discharging. They were to be given exclusive jurisdiction over the accounts of the tributes and other revenues of their districts, in the expectation that large increase in them all would ensue.

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[29] Gálvez, *Informe General,* 96.

Especially easy would it be to augment the revenue from tributes. Gálvez thought that there were in New Spain two million Indians, judging from estimates which he had required from his subordinates. Of this number—eliminating unmarried females, who were exempt, and wives, who paid half their husbands' tax—there were probably 600,000 Indians who should have been paying sixteen reals each, or 1,200,000 pesos; of the 900,000 half-castes, 200,000 should have been paying 500,000 pesos annually. The fact is that such results were never realized. Just previous to the Gálvez visitation, the average net return was a little over 600,000 pesos. In 1769 the receipts were 705,419 pesos; the highest receipts began to be realized after the decree establishing the intendants; during the decennium 1780–90 they averaged 840,918 pesos. From 1600 to 1790 the total crown revenues from tributes and the *servicio real* totaled 72,917,793 pesos net. From 1788 to 1792, tributes produced 1,057,715 pesos annual average, of which 899,321 was net. In 1799 the net product was 1,247,000 pesos, a height reached but the once.[30]

The suggestions which Gálvez, or Mangino, made with respect to the tributes were incorporated in the ordinance of the intendants, but some of them, notably the equalization of the tax, were not put into effect. Collection of the revenue was regulated by ordinances drawn by Cruillas in 1765 and given royal sanction July 8, 1770.[31]

4. *The censo.*—The eighth branch of real hacienda, the *censo*, merits attention only for the purpose of demonstrating that no

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[30] Maniau, *Compendio, 2a parte*, 13.

[31] Fonseca and Urrutia, I, 411–518; the *Reglamento y ordenanzas* of Cruillas appear on pp. 475–518 of the work cited. Page 450 is followed by a table showing the 1181 jurisdictions in which tributes were collected. In them twenty-nine different rates of collection were in effect in 1790 or 1791. In 791 jurisdictions the rate was two and one-half pesos; in other parts it varied from one and one-half to three pesos. All women were exempt, as were all chiefs and their first-born sons, the sick, and those enlisted in the militia (Maniau, *Compendio, 2a parte*, 10–11). On the early history of the tribute in the Indies see Solórzano, *Politica Indiana*, I, 155–172.

source of income was overlooked. This revenue was derived from the payment for emphyteutic use of public lands, water, and other royal property. It seems to have been the only royal tax on land itself which existed in New Spain, though the municipalities collected land taxes. That revenue which depended upon agricultural prosperity and formed the basis of computation of rural wealth was, of course, the tithe. The *censo* was not levied on privately owned lands. It was collected by the revenue officers, and so suffered no deductions for expenses of collection. Among the lands upon which the *censo* was paid were certain pieces in San Sebastián and Aguas del Venado which had been confiscated from insurgent Indians in 1762. These lands produced 492 pesos annually. Other property, including lands accessory to the palace in Mexico, brought the annual total during the quinquennium 1789–93 to 1152 pesos. Lease of royal demesne in Durango, Mérida, Tabasco, Peñol Blanco, and San Blas produced during the same period an additional sum of 1223 pesos. During the quinquennium preceding (1785–89) the *censo* produced 1326 pesos annually.

Gálvez noted regretfully that this revenue was insignificant in New Spain; he particularly felt that it ought to be collected from a number of vineyards which had been planted in the Provincias Internas in spite of prohibitions favoring Spanish viticulture. As an annual tax of two per cent had been put upon such vineyards in Peru, those of New Spain, thought the visitor, ought to pay at least as much, if not more, or they might even have the ancient prohibition reimposed for the sake of removing this source of confusion to the interests of the nation in its commerce in liquors.[32]

5. *Sales of offices.*— A ninth revenue was derived from sums received from sale or renunciation of non-judicial government

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[32] Maniau, *Compendio, 2a parte,* 75–76; Revillagigedo, arts. 1359–60; Gálvez, *Informe General,* 109. See above, pp. 28, 34.

offices bought by the subjects of the crown for one or more lives. Purely judicial offices were never legally sold, though it is certain that under the later Hapsburgs even the members of the highest councils bought their seats. The practice in Spain at the time of the discovery of America was to sell administrative offices in perpetuity; in America the earliest practice was to grant them for one life only. At the end of the period for which the office was purchased it reverted to the crown for resale or other disposition, as it did upon resignation. By virtue of a cédula of November 13, 1581, salable offices might be extended to a second generation, the king receiving one-third the amount of the original purchase price. On December 14, 1606, the American practice was harmonized with that of Spain, that is, salable offices were granted in perpetuity.[33] They were usually granted upon competitive bids, when these could be obtained, at public auction and in the presence of an *oidor*. Such offices were the positions of *alguaciles de audiencias, alguaciles de ciudades y villas de Españoles*, a round dozen of different kinds of notaries (*escribanos*), receivers and solicitors (*receptores* and *procuradores*) of the courts, treasurers, assayers, and mint officers generally, accountants, the position of defender of the estates of minors and deceased persons, etc. Renunciation of office might be accepted upon payment of half the original purchase price if for the first transfer; later transfers were permitted upon receipt of one-third the purchase price. Later, the half annat and eighteen per cent of the annual salary for transportation to Spain were added to the expense of renouncing an office.[34]

Sums received from this source yielded 16,697 pesos in 1765. In 1770 50,000 pesos were realized. From 1785 to 1789 the annual revenue was 33,718 pesos, while from 1765 to 1790 the total income was 869,812 pesos. In 1788–92 the receipts were 29,650 pesos, from which were deducted 2535 pesos for maintaining a lodge for members of the Council of the Indies, leaving a net balance of 27,115 pesos.[35]

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[33] Maniau, *Compendio, 2a parte*, 68.

[34] Fonseca and Urrutia, III, 63, 69, 75; Maniau, *Compendio, 2a parte*, 69.

Gálvez believed and recommended that many salable offices, such as those of the postal system and of the gold and silver revenues, should be made appointive, inasmuch as they produced little revenue by sale in comparison to the income which they produced for the purchasers. He did not think that small municipal offices and others of little importance should be made appointive, since that method would lose to the treasury such sums as were paid for purely honorary offices, as instance those of *regidores*.[36] Revillagigedo was outspoken in his opposition to the practice of selling offices. It often resulted in unfortunate selection, when by proper appointment a better class of public servants might have been obtained, whose efficiency in administration would have more than compensated for the loss of revenue which would follow discontinuance of sales.[37]

A revenue similar to that just considered, but separately accounted for, was derived from sale and renunciation of chancellorships. These offices originated in America upon the establishment of the audiencias. They were salable and renunciable until 1777, when by royal cédula of October 19 they were taken under crown administration. In 1785–89 this revenue produced 1855 pesos. The cost of collection was 1397 pesos. In 1788–92 the net proceeds had fallen to 674 pesos.[38]

6. *Stamped paper.*—Profit from the sale of stamped paper yielded the eleventh revenue. Paper bearing the royal coat of arms was in 1636 made obligatory for use in all legal transac-

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[35] Maniau, *Compendio, 2a parte*, 71.

[36] *Informe General*, 129.

[37] *Instrucción Reservada*, art. 1277. Villarroel said of the salable offices connected with the audiencia that they were "the impassable barrier to justice—the consuming worm of all the funds of the kingdom" (*Enfermedades Políticas*, 28–29).

[38] Fonseca and Urrutia, I, p. xv; Maniau, *Compendio, 2a parte*, 164–6.

tions in Spain. In 1638 it was ordered used in America, where it came into general use in 1640. It was usually imported from Spain, though when the imported supply ran short it was permissible to print more in Mexico. The *alcaldes mayores* sold it, but received no compensation for so doing. The general distribution of stamped paper in the territory of the audiencia of Mexico was managed at first by the treasury officials, but after 1750 it was placed in the hands of a treasurer who bought the office and received as profit eight per cent of the proceeds of sales. In the audiencia of Guadalajara a similar officer had charge of the general distribution.

Gálvez found that stamped paper was very scarce in New Spain, and that it was frequently misused or wasted. His reform suggestion was that of trying to sell the paper in the local headquarters of the tobacco, gunpowder, and playing-card monopolies in the audiencia of Guadalajara, allowing four per cent profit to the vendors; if this plan should prove advantageous, it might be extended to New Spain proper. It was certain to Gálvez that the *alcaldes mayores* would never exert themselves to extend sales of the paper, since they had to sell it without profit, and had to give security for their stock. Under the ordinance of the intendants, the suggestion of Gálvez was put into effect, though tardily, by Revillagigedo. Distribution of stamped paper was placed in the hands of the administrators of the tobacco revenue; they gave bonds for their stock to the officials of the treasury, and received only four per cent for distribution.[39]

The paper distributed at the period of the Gálvez visitation produced 49,000 pesos gross revenue; under a previous contract it had produced only 34,000 pesos. In 1785–89 the income was 56,431 pesos, while by 1788–92 the net revenue was 60,756 pesos, after deducting 4704 pesos for administration.[40]

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[39] Maniau, *Compendio, 2a parte,* 97; Revillagigedo, art. 1294.

[40] Fonseca and Urrutia, I, p. xv; Gálvez, *Informe General,* 120–121; Maniau, *Compendio, 2a parte,* 98. Colonial stamped paper was of four

7. *Half annats.*—Half annats, the twelfth revenue of this list, produced crown income in New Spain after 1625. In that year, by cédula of July 21, Philip IV ordered one month's salary (*mesada*) collected from all temporal and secular officers of his realms to help pay for his European wars. The exaction was later extended to ecclesiastics, but their payments were not entered in the general funds of real hacienda. In 1632 the contribution was increased to half of one year's salary, hence the name *media anata*—a half year's tax, a contribution which was similar to the payments made by members of the old Roman *curia*. At the above date not even the Most Serene Infantes were exempt from the half annat.

In 1632 a schedule was established in all the Spanish dominions, providing, with a few minor exceptions, that all officers should pay half of one year's salary and one-third of all other emoluments, plus eighteen per cent for transportation to their post in the Indies.[41] This was for appointive offices. For purchased offices the annat was about five per cent, on the average, of the price paid. Inheritors of *encomiendas* were charged the regular half annat. In the lower grades of employment, crown employees down to hatters, bakers, and the like, paid a salary-tax or wage-tax under the name of the half annat, in the sum of one ducat per annum or more.

For titles, honors and the like the recipients paid an annuity specified in their grants. Titles or high offices were often conferred with the specification that they were to be free from the half annat. Among those who were regularly exempt were military officers, pensioned officers, judges of *residencias*, subor-

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denominations: the first class sold at three pesos per *pliego* (double sheet), the second class at six reals per *pliego*, the third class at one real per *pliego*, and the fourth class at one *cuartilla* (one and one-quarter cents) per *pliego* (Maniau, *Compendio, 2a parte*, 95). This real was one-eighth of a peso.

[41] Maniau, *Compendio, 2a parte*, 85, says that the exaction of one-third of special emoluments was discontinued on January 1, 1649.

dinates in the tobacco revenue except the director and the accountant, those who served without pay, those who served in the powder revenue, those who collected revenues for the Huehuetoca drainage canal, those whose salaries were under three hundred pesos, the clerks of the secretariat of the viceroy, and the subordinates of the postal and lottery revenues.[42]

In the beginning this rent was in charge of the *tribunal de cuentas.* Later it was given its own accounting house and staff; the latter enjoyed such independence that even the viceroys were forbidden to take cognizance of its business. By the ordinance of the intendants, the half annats were collected under the supervision of those officers, who had also jurisdictional powers over it.[43]

From 1625 to 1790 half annats yielded 7,555,781 pesos. In the quinquennium 1785–89 they produced 297,650 pesos, with 22,770 pesos expense for collection, leaving a balance of 274,880 pesos, or 54,976 pesos net annual income. In 1788–92 the annual profit was 52,298 pesos.[44]

The first sensible voice of authority in New Spain raised against the ridiculous levy of half annats was that of Revillagigedo the younger, who suggested, as late as 1794, that the more rational plan would have been to decrease the salaries of those who paid the tax by the amount of their contribution; by so doing a vast amount of bookkeeping would have been obviated, and the actual net revenue would have been much greater. Officers themselves would have been relieved of a grievous burden which seriously hampered their efficiency, as it fell upon them chiefly at times when they were under the extraordinary expense of moving from one post to another.[45]

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[42] Maniau, *Compendio, 2a parte,* 88.

[43] Revillagigedo, arts. 1261–69.

[44] Fonseca and Urrutia, I, p. xv, II, 487–588; Gálvez, *Informe General,* 128; Maniau, *Compendio, 2a parte,* 90.

[45] *Instrucción Reservada,* arts. 1271–73.

8. *The lanzas.*—The thirteenth revenue, the *lanzas,* was derived from payments for titles of Castile, that is, of nobility. Recipients of these distinctions were originally required to pay for them by furnishing twenty lancers (hence the name) to the king. The actual equipment of armed retainers was discontinued by law in 1632 when a payment of four hundred and fifty pesos was substituted for the lancers and made the price of the titles. The *lanzas* was due from a considerable number of persons in New Spain who had suffered depletion of fortune since the days in which their fathers had received their titles, yet the contribution was collected from them as rigorously as their impoverishment would permit. Those who were solvent were obliged to pay in full.

When Gálvez was in New Spain the *lanzas* and half annats were under the jurisdiction of a special accountant, who at the time was the superintendent of the mint. The funds derived from both imposts were taken care of in a special accounting house, under rules of collection and accounting distinct from those of other revenues. The sole recommendation of the visitor in regard to these two sources of income was that the *alcaldes mayores* should be relieved of the half annat, inasmuch as many years had elapsed since they had received the salaries which were designated at the time of the creation of the offices, though they were still required to pay annats. This recommendation was followed before Gálvez left New Spain. The administration of the chief accountant, Villavicencia, received the visitor's commendation, and he had no criticism to offer.

There were in the viceroyalty in 1789 fifty-nine titles of Castile, not more than fourteen of which were paying their regular contribution. A number of others were undergoing litigation of one kind or another. Several of them were free from the half annat, others were free from the *lanzas,* while still others were exempt from both.

The ordinance of the intendants placed the administration of this revenue in the hands of the treasury officials.

Revillagigedo states that the annual *lanza* was 351 pesos for those who had received their titles later than 1631. Those titles of anterior date paid 212 pesos and a fraction. The revenue from this source was then tending to decrease, because an initial payment of ten thousand pesos was accepted in lieu of the annual contribution. As titles of Castile were usually conceded only to persons of fortune, the initial payment was not hard to make.[46]

The revenue from *lanzas* from 1766 to 1770 was 10,205 pesos annually. In the quinquennium 1785–89 it was 19,053 pesos. The increase was due to collections of arrears. In 1789–92 the income was 14,526 pesos; Revillagigedo mentions 13,660 pesos as the annual revenue.[47]

9. *Licencias.*—Licenses to slaughter cattle, paid on each hundred animals butchered, yielded the king 504 pesos annually, "and as its collection is in charge of the treasury officials, it suffers no discount whatever."[48] These licenses were collected without legal authority, the practice being based, by the last quarter of the eighteenth century, on long established custom, and not on formal legislation. Prior to the establishment of the intendancies, fees for butcher licenses were collected by the *alcaldes mayores.* It was freely charged that these officers were oppressive in collecting them. During the early period proceeds of the licenses were applied to the cost of erecting the palace at Mexico. Under the intendants, the money was paid into the general fund of real hacienda. Other licenses were from time to time exacted, from tanneries, public baths, inns, water-supplies, mills, looms, etc. A futile attempt was made in 1781 to make this revenue yield a larger income. In the quin-

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[46] *Instrucción Reservada,* arts. 1274–5.

[47] Fonseca and Urrutia, IV, 221–249; Gálvez, *Informe General,* 128; Maniau, *Compendio, 2a parte,* 93.

[48] Fonseca and Urrutia, I, p. xvi.

quennium 1786–90 the income was only 683 pesos, and in 1792 it was found that it cost more, under administration by army officers, to collect the revenue than it produced.[49]

10. *Sales of crown lands.*—The revenue from sales of crown lands and from grant of titles thereto (*composición de tierras*) yielded 1523 pesos net annually during the quinquennium 1785-89. For the quinquennium beginning in 1786 the revenue was 2533 pesos, but from 1788 to 1792 it was only 1223 pesos.

The Spanish theory, since the days of the conquest, was that the original title to the land in the colonies was held by the crown, and was not a national possession.[50] Individuals holding land without special grant from the king or his authorized ministers could have their titles thereto perfected only by composition. The viceroy Velasco in 1591 was given power to confirm titles to land held by any one, provided due reservation was made for mineral lands (which belonged to the king), public lands of settlements, and the agricultural lands of Indians. Prior possession of land for a period of ten years was required before composition could be effected. In 1735 it was ordered that purchasers should have recourse to the king himself for confirmation of their titles, but the expense attendant upon this method made it necessary to give the business into the hands of the audiencias, and, latterly, to the *junta superior*.[51]

Gálvez, at the time of his visitation, considered this revenue so insignificant that it hardly merited inclusion in the accounts of the treasury; yet the public welfare demanded that the royal demesne should be carefully guarded from falling into mortmain. Perhaps Gálvez was influenced at this time by the opinion of Campomanes, whose *Tratado de la Regalía de Amortisación* had been published as recently as 1765. The spirit of opposition to the absorption of real property by the church which animated the ministers of Charles III in Spain would necessarily be echoed by their representative in America. When the ordinance of the intendants was promulgated care of the public lands was given to the intendants, but the provisions of the ordinance were not obeyed in this respect, as in many others, and the royal holdings continued to be administered by the audiencias and the *junta superior*.[52]

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[49] Fonseca and Urrutia, IV, 254–318; Revillagigedo, arts. 1302-3.

[50] Cf. Leroy-Beaulieu, *De la Colonisation chez les Peuples Modernes*, 24; Scelle, *La Traite Négrière*, I, 14; *Recopilación*, ley 1, tít. 1, lib. 3.

[51] Maniau, *Compendio, 2a parte*, 75.

11. *The tax on retail grocers.*—Grocery licenses of thirty or forty pesos per annum on the retail trade in Mexico City constituted the royal rent known as *pulperías*. It yielded 68,185 pesos annually between 1785 and 1789. In the quinquennium 1786–90 the revenue had grown to 84,318 pesos. Revillagigedo mentions 105,600 pesos as the revenue received during his time. The laws exacting these licenses date back to 1623, but no collections were made under them prior to 1730. Indeed, the elder Revillagigedo in 1750 drew up ordinances governing the retail shops of the capital, their location, mode of traffic, closing hours, credit system, etc., without imposing any tax upon them. In 1776 and 1779 Gálvez wrote to the viceroy, urging compliance with the laws which required collection of grocery licenses. When this was attempted all the legal recourses open to the retailers were resorted to in opposition; Mayorga and Matías de

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[52] Revillagigedo, art. 1280; Gálvez, *Informe General*, 130; *Real Ordenanza . . . para Intendentes* (Madrid, 1786), art. 81; Fonseca and Urrutia, IV, 398–428. It is beyond the scope of this book to attempt more than a passing notice of the agrarian question in Mexico. The holdings of the religious corporations have long been a subject of bitter discussion and political feeling. The expulsion of the Jesuits in 1767 was in great measure due to their large ownership of real property. After that event not so much land was held by ecclesiastical bodies, but they had in 1803 a considerable interest in the tithes and in capital laid out in small farms, the latter to the value of 44,500,000 pesos. The royal decree of December 26, 1804, ordering the estates of the Mexican clergy to be sold and the capital belonging to ecclesiastics to be confiscated and sent to Spain produced no effect on the holdings of "the dead hand" of the church. A few powerful families also held great tracts, abandoned to herds and sterility (Humboldt, *Political Essay*, III, 100–102).

Gálvez during their terms as viceroy prosecuted the cases which came up, some of which were still unfinished in 1792. Small shops which employed less than one thousand pesos' capital were in 1790 exempted from payment of this tax. This measure was adopted because Revillagigedo found that the licenses, collected uniformly from all grocers regardless of their volume of business, worked to the injury of a number of poor *mestizas* who earned a small living from their insignificant traffic in comestibles.[53]

12. *Fines from smugglers.*—Fines and confiscations in punishment of contraband trade (*comisos*) were imposed by virtue of a multitude of laws and special declarations. The seventeen laws of título 17, libro 8 of the *Recopilación* are all devoted to regulating punishment of smuggling. They are based upon the principle that to allow foreigners to engage in national commerce was to impoverish the realm. In 1764 the *contaduría general* of the Indies combined all legislation prior to that date into a set of instructions for the distribution of fines and confiscations arising from the various classes of smuggling. In 1785 these instructions were superseded by a schedule (*reglamento* or *pauta*) which provided exact procedure in all conceivable cases of detected contraband trade. This schedule was ordered obeyed by the eightieth article of the ordinance of the intendants.[54] The spirit of the Spanish law was very strict against smuggling, the death penalty being provided for those Spanish subjects who indulged in illicit trade with foreigners. It is doubtful whether this penalty was inflicted under eighteenth-century conditions. The regulations governing procedure in division of the spoils in a case of conviction of smuggling

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[53] Fonseca and Urrutia, IV, 333–372; Maniau, *Compendio, 2a parte,* 123–4; Revillagigedo, arts. 1178–87. The legislation referring to this revenue is contained in the *Recopilación*, ley 12, tít. 8, lib. 4; ley 82, tít. 14, lib. 1; ley 14, tít. 18, lib. 4.

[54] Maniau, *Compendio, 2a parte,* 38–41; Revillagigedo, art. 1304.

between Spanish subjects are shown by the following extract from the schedule:

Assumed value of the goods seized	20,000 pesos
Duties to be collected, fifteen per cent *almojarifazgo*, two per cent *alcabala antigua*, four per cent *alcabala nueva y armada de barlovento*	4,200
Cost of suit	100
Share of one-sixth to the trial judge	2,616
Deducting the above expenses, a remainder is left of five-sixths, or	13,083
Reward of one-third of five-sixths to the informant, if there be any such	4,361
Two-thirds of five-sixths to go to the royal chamber (of the Council of the Indies)	8,722
Total received by the crown	12,922

From this sample rule of procedure there were numerous variations, by which rules were provided for division of proceeds from at least seven different classes of smuggling. All were based on the principle of making it financially profitable for both the informant and the judge to secure conviction of contraband traders. It is hardly necessary to adduce proof that the system failed to eradicate smuggling. The entire collection from this source in the quinquennium 1785–89 amounted to only 15,120 pesos. The expense incurred in collection of this amount was 3295 pesos, leaving 11,825 pesos, or an annual revenue of only 2365 pesos. Maniau gives the annual receipts from 1788 to 1790 as 4505 pesos. As has already been indicated in a previous chapter, this sum represents a very small part of the contraband trade of New Spain.[55]

13. *Tintes and caldos.*—Export duties were collected, for the most part at Vera Cruz, on cochineal, indigo, and vanilla; the accounts were grouped together under the designation *tintes*. By royal order of August 30, 1728, a duty was levied of fifteen pesos on each *zurrón* (seroon, bag) of eight *arrobas* (two hun-

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[55] Fonseca and Urrutia, IV, 141–220; Maniau, *Compendio*, *2a parte*, 43.

dred pounds) of cultivated cochineal (*grana fina*), and three pesos on each *zurrón* of wild cochineal (*grana silvestre*); at the same time a duty of two pesos per thousand was laid on vanilla. In 1792 (presumably since 1767) these duties were collected at the time the goods entered the custom-house. In the quinquennium 1785–89 the annual revenue from these sources yielded 41,387 pesos. By 1792 the revenue was 45,952 pesos. The indigo revenue was not large during the latter part of the eighteenth century. Humboldt estimated the annual export of cochineal to be worth 2,400,000 pesos.[56]

Caldos, the term applied to entry duties collected on wines, brandies, and vinegar—to which were added, during the latter part of the eighteenth century, revenues derived from the manufacture in New Spain of spirituous liquors—produced in 1785–89 289,060 pesos; the cost of administering the revenue was 118,010, leaving 171,050 pesos for the term, or 34,210 pesos annual revenue, net.[57]

In 1711 the entry duty on wines and brandies was twenty-five pesos a pipe; on vinegar twelve and one-half pesos were collected. These high duties were levied to raise funds for the erection of the palace at Mexico. Manufacture of brandy in New Spain and Peru was forbidden in 1714, in which year all the native product was ordered poured away, and alembics and other apparatus for distillation were destroyed. Some effect having been produced by these means, import duties on liquors were in 1720 lowered to twelve and one-half pesos per pipe for wines and brandies, and to six pesos for vinegar, ten per cent reduction for leakage in transit (*merma*) being first allowed. A further duty of four pesos was charged on brandy sent inland from Vera Cruz, and in Mexico a duty called the *cuartilla* was collected for the municipal funds. There was also a "new duty" of two pesos per pipe at Vera Cruz. In 1753 the four-peso duty was ordered abolished; the two-peso duty was reduced to one peso, and the *alcabala* on liquors was reduced from eight to six per cent. These reductions were made for the sake of fostering the industry of the vineyards of Andalusia, which was suffering because the high duties had destroyed demand for Andalusian liquors in New Spain. The viceroy, however, declined to enforce the cédula which ordered the above reductions, acting under his privilege as granted in ley 24, título 1, libro 2 of the *Recopilación;* he presented figures to support his argument that the high duties were needed to produce essential revenues, his belief apparently being that a decrease in the duties would not appreciably increase importation. Note has been made in a previous chapter of the fact that Gálvez decreased the brandy duty from four to three pesos, and reduced the *alcabala* to four per cent, making each duty collectable at entry. No further changes occurred until, under the Reglamento of 1778, commerce was liberated with comparative generosity from its old restrictions. By 1793 the *alcabala* and the *almojarifazgo* on liquors were collected at a rate of three per cent each. The principal revenue from brandy was received at Campeche, where a duty of seven pesos a pipe was collected. The native brandy, from Nueva Vizcaya, paid a duty of four pesos a barrel.[58]

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[56] *Political Essay*, III, 64; Maniau, *Compendio, 2a parte*, 114–5; Revillagigedo, art. 1340.

[57] Fonseca and Urrutia, I, p. xvii.

14. *The snow monopoly.*—Revenues from snow, the storage and sale of which was a leased monopoly, first began to contribute to the funds of real hacienda in 1719, in which year a contract for the monopoly in Mexico was leased at public auction for a term of five years at an annual *pensión* of 10,000 pesos.

Gálvez found this revenue still under leasehold, the detailed conditions of which he was ordered in his instructions to investigate, that he might determine whether the branch might not with profit be taken under administration. His recommendation was that it would be unsafe to try to administer the snow revenue, for the naïvely expressed reason that most of the contractors lost money on their agreements.[59]

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[58] Fonseca and Urrutia, IV, 387; Revillagigedo, art. 1339.

Snow was supplied to the public in Vera Cruz, Puebla, Oaxaca, Valladolid (Morelia), Guanajuato, and Guadalajara, under monopoly contracts. The crown received from these contracts 632,171 pesos, or 25,287 pesos per annum during the period between 1765 and 1790. Two-thirds of this revenue came from Mexico and half of the remainder from Puebla. In 1787 the Mexico lease sold for 10,000 pesos per annum for a term of five years, the same price it had brought in 1719. The snow was brought from the Sierra Nevada by Indians, and sold at one real per pound. During the quinquennium 1785–89 the net annual revenue on snow for the entire viceroyalty was 28,723 pesos. As the amounts bid for the contracts were collected by officers of the treasury, there were no overhead expenses in connection with this revenue.[60]

15. *Excise on leather.*—The twenty-first revenue of this list, *cordobanes,* was collected on hides, pelts, and dressed leather. In the City of Mexico trade in leather was a sort of loose monopoly leased to the highest bidder. A warehouse was established in the capital in 1608, where hides were brought to be sold to tanners, and cured leather to be sold to artisans. In the remainder of the viceroyalty the privilege of curing leather was generally granted under licenses. Revillagigedo says that leather production was entirely free outside of Mexico. The two systems jointly produced in 1785–89 a net annual revenue of 4615 pesos. The recommendation of Gálvez concerning this and several other insignificant revenues was that it would be futile to try to administer them, and that they should be continued under lease.

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[59] *Instrucción reservada,* March 14, 1765; art. XXIV, Appendix; Gálvez, *Informe General,* 121.

[60] Revillagigedo, art. 1290; Humboldt, *Political Essay,* I, 11; Fonseca and Urrutia, IV, 392–397; Maniau, *Compendio, 2a parte,* 109.

The leather revenue was under lease from 1744 to 1785, when it was taken over by the crown, as no one bid for the privilege of collecting it. In 1791 the monopoly was ordered discontinued, and the existing *pensión* commuted. In 1792 attempt was again made to secure a lessee.[61]

16. *Cockfighting.*—The predilection of the people of New Spain for the sport of cockfighting made it possible for the government to realize handsomely on this propensity. Monopolies of the sport were sold to individuals in the various centers of population. In 1727 the revenue became a branch of real hacienda under a cédula of September 27. At that date cockfighting was characterized as an immemorial custom of the country. The king had, indeed, attempted to suppress it as a public vice; not succeeding, he chose the thriftier mode of dealing with the problem.

The first contract granting a monopoly of the sport was made with the holder of the monopoly of playing-cards and sports; the consideration was an increase of one thousand pesos per annum above the price of his existing contract, and an initial deposit of 120,000 reals for a five-year concession. The cockfights were limited to afternoons after 1 o'clock; minors and slaves were debarred from attendance, and the King's ministers were to preside, their chief function being to prevent extravagant bets by their presence.

For a part of 1785–86 the revenue was under administration; so again it was in 1791. Usually, however, the contract system prevailed. The recommendation of Gálvez was that contracts should continue to be granted under leases, but the intendants were given charge of the revenue under the ordinance of 1786.

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[61] Gálvez, *Informe General*, 131; Fonseca and Urrutia, IV, 319–331; Maniau, *Compendio, 2a parte*, 77–80. In 1802 the value of the hides cured in the intendancy of Guadalajara alone was estimated at 419,000 pesos; a very small proportion of the product was exported (Humboldt, *Political Essay*, III, 49).

Leases for ten-year periods often yielded large sums. One such lease produced 111,000 pesos, and another 215,000 pesos. One lease in 1746 produced only 21,100 pesos. From 1727 to 1790 the entire revenue from cockfighting was 1,473,928 pesos. In 1788–92 the net product was 45,201 pesos.[62]

17. *The powder monopoly.*—Manufacture of gunpowder was reserved to the crown as a prescriptive right. It was an administered monopoly only after October, 1766, when Gálvez, following his instructions, put the branch under an administrator who took charge of the powder factory at Mexico.

The date of the earliest manufacture of gunpowder in New Spain is not known. In 1571 it was prohibited to make it except with permission of governors or *corregidores*.[63] By 1600 the royal factory in Chapultepec forest had been constructed and was under the control of the treasury officials. The right of production was leased, in the earlier years, in return for small quantities of powder. Upon the arrival of Gálvez, the last contract was yielding 111,800 pesos annually. In 1767, when this contract expired, the ordinance as drawn by the visitor for administration of the revenue throughout the viceroyalty was put into effect. Beside the Chapultepec factory, there were one hundred and twelve other places where powder was made. All these were put under the supervision of a director-general, an accountant, and a treasurer. The result of the new organization was that about 35,000 pesos more revenue was obtained, the government was provided with better powder, and the mining industry was at the same time benefited by a reduction of two reals in the price per pound. The former price had been eight reals. Even at the reduced rate, the treasury made a profit of two hundred per cent.

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[62] Fonseca and Urrutia, III, 5–23; Gálvez, *Informe General*, 131; *Ordenanza para . . . Intendentes*, art. 222; Maniau, *Compendio, 2a parte*, 113; Revillagigedo, arts. 1281–4.

[63] Herrera, *Historia General*, década 2, libro 3, cap. 1, and Prescott, *The Conquest of Mexico* (London, 1911), I, 326, note, state that the soldiers of Cortés made gunpowder in 1521 from sulphur which they got from the crater of Popocatepetl; Humboldt, *Political Essay*, III, 472–77, questions the veracity of the story.

An insuperable difficulty in the way of the monopoly was that there existed a great many illicit factories. New Spain was particularly favored with such a wide distribution of saltpetre and sulphur beds that it was almost impossible to prevent private manufacture, especially in the mining regions, where the explosive was much used. Contraband trade at Vera Cruz also throve on imported powder. Gálvez repeatedly recommended that these sources of competition with the monopoly should be checked and controlled by additions to the armed guards already attached to the tobacco, playing-card, and *alcabala* revenue. The guards produced some effect, judging from the increased revenues. The ordinance which Gálvez framed for the control of the industry was still in operation in the last decade of the century, and must be credited with contributing to the success of the monopoly. Yet Humboldt wrote that the contraband manufacture and importation of powder was so flourishing in his day that it would have been better for the government to have removed all restrictions and let this article of commerce go free, as the expense of protecting the royal interests was so great and the restrictions upon mining were so onerous.[64]

From 1765 to 1771 the annual gross receipts from gunpowder revenues were 190,204 pesos; from 1772 to 1778 they were 326,000 pesos; from 1785 to 1789 the sales produced at least 446,394 pesos (another statement says 451,909 pesos). For the quinquennium 1785–89 the net return was 160,668 pesos per annum. From 1788 to 1792 the annual proceeds were 144,636 pesos.[65]

18. *The royal lottery.*—One entirely new revenue is to be

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[64] *Political Essay*, III, 469–71; the amount manufactured by the government was only one-fourth of the amount consumed.

[65] Fonseca and Urrutia, I, pp. xvii, II, 231–2; the entire discussion of the powder revenue occupies II, 189–294. See also Gálvez, *Informe General*, 114–117, Revillagigedo, arts. 1006–1031, and Maniau, *Compendio, 2a parte*, 60.

credited to the Croix-Gálvez régime, the lottery. The royal order establishing it was dated December 20, 1769. The preliminaries of the new revenue producer were arranged by Croix while Gálvez was absent upon his northern expedition, and it was to his idea that a lottery in imitation of the Flemish one would earn money from a hitherto untouched source that the establishment was due.[66] By a proclamation of August 7, 1770, and by a later *manifiesto* of September 19, Croix announced the organization of the lottery. Invitations were advertised to fifty thousand persons to pay into a common fund twenty pesos each, thereby raising 1,000,000 pesos. From this amount were to be taken 847,000 pesos to be divided into 50,000 prizes of various denominations, to be raffled among the subscribers. The funds of the treasury were obligated as security for the success of the enterprise. The remainder was to go to the crown as fourteen per cent revenue, from which the operating expenses were to be paid. The first drawing was held May 14, 1771. It was planned that drawings should be held every three months, of 1,000,000 pesos each, so that, out of the annual sales of tickets, the gross crown income would be 560,000 pesos. Fixed expenses were about 20,000 pesos, beside one per cent to collectors, a variable sum.

The price of tickets was later reduced to four pesos. Two per cent was added to the crown share in 1781, to provide a fund for a general hospital for the poor.

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[66] In 1763, by decree of September 30, Charles III established at Madrid a lottery for procuring funds with which to support hospitals and other charitable institutions. Similar lotteries were then in operation at Rome and numerous other European capitals. The operation of foreign lotteries within the boundaries of Spain was prohibited in 1774. In spite of many Spanish laws, dating back some of them to 1387, which recognize the anti-economic character of games of chance and prohibit them as such, the lottery idea as well as other forms of gambling have been popular from time immemorial, and lotteries have played an important part in the Spanish fiscal system. The lottery is one of the large revenue producers of Spain today. In the Federal District of Mexico, playing of lotteries was prohibited by José María Tornel by decree of November 26, 1833 (Rodríguez de San Miguel, *Pandectas Hispano-Megicanas*, I, No. 1562, III, No. 5106).

At its inception the lottery was under the supervision of a judge conservator who was an *oidor* of the audiencia. Under the ordinance of the intendants, supervision of the lottery was given to the intendant of Mexico.

During the quinquennium 1785–89 the government of New Spain received from the lottery 640,480 pesos. Of this amount 438,545 pesos were deposited in the treasury as profit, the annual revenue being 87,709 pesos. For the period from 1788 to 1792 the gross revenue was 123,371 pesos; the expenses of operation were 69,953 pesos, and the net return was 53,418 pesos annually.[67]

19. *The tithe.*—The collection of the tithe (*diezmo*) was conceded to Ferdinand and Isabella upon their petition by Pope Alexander in a brief of December 16, 1501. The entire tithe belonged at first to the crown. It was to be expended on the building of churches, livings of ecclesiastics, and other religious expenses. By royal cédula of October 22, 1523, collection of tithes was made a function of the officers of the principal depositories of the treasury (*cajas matrices*) of New Spain. When Juan de Zumárraga was made bishop of Mexico, collection of the tithes was turned over to him. Soon after, the bishops of Tlascala, Oaxaca, and Michoacán were granted four per cent of the tithes of their districts up to the sum of 500,000 *maravedís;* if there was a deficiency in this amount, it was to be made up from the funds of the royal treasury.[68]

Tithes were collected on all grains, vegetables, flocks and herds, poultry, milk, cheese, butter, wool, fruits, honey, wax, silk, cotton, hemp, etc. The producers were obliged to carry their tithes to the place of payment. The contribution was levied on the gross production, before any costs had been deducted, and even on articles intended for home consumption only. This imposition was grievous for the two facts just mentioned, as well as on account of the high percentage of the tax. The colonists of the island of Española made ineffectual protest against the tithe in 1518, requesting that the rate be made one-thirtieth. A slight reduction in the tithe on sugar was conceded to the island in 1539.[69]

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[67] Fonseca and Urrutia, I, p. xviii, II, 119–188; Revillagigedo, arts. 1198–1215; Maniau, *Compendio, 2a parte*, 137.

[68] *Recopilación*, tít. 16, lib. 1.

It was the duty of the *encomenderos* to see that the tithes were collected from their wards, and on raw products only. They were also to prevent payment more than one time on any specific article. During the early years of the conquest the Indians were free from the payment of tithes on products for their own use, the contribution being exacted on what they produced for the *encomenderos*. At first the tithes were not equal to the expenses which they were expected to meet, and the deficit was made up to the clergy from real hacienda. But after the pastures of New Spain were covered with flocks and herds, and the tithes had become a real revenue, they were relinquished by the crown in favor of the church, two-ninths (*dos novenos*) only being reserved of one-half of the gross income, and three-ninths being set apart for hospitals and churches. The remainder was devoted to church livings.

The unwisdom of this relinquishment was made manifest when in later days it became necessary to levy assessments under other designations upon ecclesiastical bodies and officers to raise needed revenues for the state. Such taxes as the half annats, the *espolios* (the tax on the property which a prelate left at death), the *subsidios* (aids), and the *excusado* (a tax on the clergy originally levied to provide funds for wars against infidels) would have been unnecessary if the original tithe had been retained by the crown; furthermore, a vast amount of clerical work and administrative confusion would have been avoided if the one tax had existed instead of many.[70]

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[69] Saco, *Historia de la Esclavitud*, I, 127.

[70] Revillagigedo, arts. 1238, 1243.

Notwithstanding that the tithe was a heavy contribution, upon which the church waxed rich, it was too frequently difficult for the treasury to obtain its proper share, for the collection was leased to clericals on low bids, and no one else cared to try to take it away from them by bidding lower, lest the wrath of the church be invoked upon him. When Gálvez came to New Spain he was instructed to find out what the income of the church was, and whether the state share of the tithes might not be increased by taking the revenue under administration, for the *novenos* were not producing income in proportion to noticeable increase in the tithes.[71]

The plan adopted was to take over the collection as fast as the contracts of the several bishoprics expired. The first of these was that of the bishopric of Valladolid; the change in system brought about increase of revenue from 15,800 pesos to about 24,000 pesos per annum by 1771.

Arriaga, Minister of the Indies, issued his order for the administration of this branch of real hacienda on May 6, 1768. The viceroy decreed the observance of the order on April 10, 1769, naming the administrator of the rent. In November of 1768 the *tribunal de cuentas* was instructed to draw up a plan for the administration of the *novenos*. This plan, with the opinion of Gálvez, was turned over to Bucarely in 1771, with the expectation that the system would be completely changed at the beginning of 1772. It was not until 1774, however (by royal cédula of October 19), that the collection of tithes in America and the Philippines was taken from the churches, and the faculty of nominating collectors of revenue reserved to the crown. This cédula was recorded as being obeyed in the territory of the audiencia of Guadalajara on February 15, 1775.[72] It was not for a decade, however, that the government found itself in complete control of collection of the *novenos* throughout the viceroyalty. Under the ordinance of the intendants, care of the *novenos* was to be confided to a number of juntas to be created in the chief cities. These juntas were to name administrators of the revenue and to have general control of the branch. The juntas had not been organized as late as 1794, owing to the resistance of the religious *cabildos.* Revillagigedo found the same obstinacy prevalent among the ecclesiastics that Gálvez complained of in matters pertaining to the revenues of the church.[73]

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[71] *Instrucción reservada*, March 14, 1765; art. XXI, Appendix.

[72] Rodríguez de San Miguel, *Pandectas Hispano-Megicanas*, III, No. 5346.

In 1771 real hacienda received 98,841 pesos from *novenos;* during the next twenty years the receipts never fell below 103,120 pesos, which was the amount collected in 1774; the highest receipt was 218,302 pesos, that of 1788. From 1771 to 1780 the total collection was 1,231,401 pesos; for the period between 1781 and 1790 it was 1,662,763 pesos. During the quinquennium 1788–1792 the annual revenue was 157,919 pesos.[74]

The tithe, bearing as it did particularly upon agricultural products, furnishes the best clue to the state of rural prosperity in the viceroyalty. Unfortunately, we have scant data for forming opinion on this point at any date in the history of the country. No computation was made until that by Maniau, who in the last decade of the eighteenth century estimated the agricultural production at 24,000,000 pesos. This estimate, it will be recalled, was after "free commerce" had given impetus to agriculture by driving the older merchants into rural pursuits. A later computation, taking into consideration products which paid no tithe, raised the figure to 29,000,000 pesos. That figure was presented in 1803 to the Spanish court by Humboldt. A second estimate was made by the *consulado* of Vera Cruz in 1817, when Quiroz, the secretary of that body, estimated the rural production at 138,859,121 pesos; plainly, the basis of computation must have been different from that used by Maniau, as the increase could hardly be normal. Lerdo de Tejada in 1856 offered an estimate of 270,000,000 pesos, which is even more astonishing upon comparison with the increase in population, which at the time of the incomplete census of Revillagigedo (1794) was 5,200,000 souls, and had increased by 1856 to only 7,859,574.[75]

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[73] Revillagigedo, art. 1230.

[74] Fonseca and Urrutia, I, pp. xix, III, 136–262; Maniau, *Compendio, 2a parte,* 3; Gálvez, *Informe General,* 122–4; *Real Ordenanza para . . . Intendentes,* arts. 168–174.

20. *The alcabala.*—This was the revenue which bore heaviest upon the people, and it was consequently the most detested of all the long list of taxes. Next to the tobacco monopoly, it was the largest revenue producer. It was a tax levied upon all manner of effects and real estate sold. The payment of the *alcabala* was a legal essential of the process of sale. This tax originated in Spain as a voluntary concession by the vassals of Alonzo XI in 1342; it was made a perpetual part of the royal patrimony in 1349. Originally it was levied at the rate of one-thirtieth of the value of the goods sold; increased to one-twentieth and later to one-tenth, it remained at the latter figure for centuries. In exigencies, as of war, it was frequently raised by a third.

The first *alcabala* in America, initiated by royal cédula in 1571 and by proclamation of the viceroy Enríquez on November 1, 1574, was only two per cent, as a concession to the struggling civilization of the pioneers. Indians, churches, and ecclesiastics were exempt from it on sales not made in the regular channels of trade. On goods liable the tax was collected on successive sales until the extinction of the goods sold.

At the beginning this rent was collected by a special accountant (*contador*), the officials of the Mexico treasury being already overworked. After January 1, 1575, the *alcabala* was collected in various districts by collectors (*receptores*). The funds were deposited in the treasury at Mexico, passing at once from the control of the accountant, who was merely to supervise collection, and never retain the funds. The *caja real* of Mexico received crown money from adjacent territory, being the earliest depository founded, but by 1600 the subtreasuries of Nueva Vizcaya (at Durango), Nueva Galicia (at Guadalajara), Vera Cruz, and Yucatán (at Mérida) had also been established, and shared in reception of revenues, with limits of territory vaguely defined between themselves and the central depository at Mexico. In that year there were in the viceroyalty 136 *alcaldías mayores*, which were the local administrative units for the collection of the *alcabala*. Later, the provinces, and the intendancies, were divided into *alcabalatorios*, that is, *alcabala* districts. Goods passing from one of these districts to another were obliged to pay a new *alcabala* upon the transfer.[76]

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[75] Tomás Morán y Crivelli, *Juicio Crítico sobre el Sistema de Hacienda en Mexico según la Teoría Francesa* (Mexico, 1865). Civil obligation to pay tithes was abolished in Mexico in 1833 (Rodríguez de San Miguel, *Pandectas Hispano-Megicanas*, p. 180).

From the original two per cent in New Spain the *alcabala* was in 1632 raised to four per cent under the designation of *union de armas* of New Spain and Castile. In 1635 two per cent more was added for the formation and maintenance of the coast-guard revenue fleet (*armada de barlovento*); at the same time it was provided that an increase of one-third should be made in time of war if necessary. This increase was often exacted and usually long continued after peace had ensued. In certain frontier provinces the *alcabala*, on account of the unsettled conditions due to Indian hostilities, and because of the high cost of transportation of goods from the capital was only collected at two per cent, or sometimes even less. Revillagigedo recommended that this tax should be scaled down one per cent for each one hundred leagues distance from the port of Vera Cruz.[77]

At the time of the Gálvez visitation supervision of the *alcabala* was in charge of a general accountant for the entire viceroyalty except Mexico, Vera Cruz, and their adjacent districts. In these two cities the accounts of the *alcabala* were kept by the municipal officers instead of by crown officers. Collection was leased by *villas* and *partidos* (towns and districts). The visitor's instructions required him to examine the method of assessing this contribution, and the form of the leases; he was also to determine what could be done to increase the revenue. When he went for the second time from Vera Cruz to Mexico, in January, 1766, he began to collect data concerning the *alcabala* at once. He was moved to do this both on account of the importance of this revenue and because it had been ordered as far back as February 6, 1764, that this duty should be administered by treasury officials as soon as the existing contracts for leases should expire. Gálvez found that the transition to the system of administration was already under way, but that it was not apparent that increase of income was resulting. He ascertained also that complaint was general against both systems; for these reasons he deemed it best that the rent should be put under the mode of operation called *encabezamiento,* that is, leased by *villas* and *partidos,* as has been already said. His proposal, dated November 10, 1766, was approved by the King on March 3, 1767. The lease by *encabezamiento* was not long continued, as the succeeding viceroy, Bucarely, put the *alcabala* under administration.

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[76] Fonseca and Urrutia, II, 5-9; *Recopilación*, ley 14, tít. 13, lib. 8; Revillagigedo, arts. 1057, 1060.

[77] *Instrucción Reservada*, art. 1043.

This action by Bucarely was warmly resented by the commercial classes, if credit is to be given to the statement of Villaroel. The point of complaint was that the *encabezamientos* were annulled before the expiration of the five-year period for which they had been made. The effect was to produce uneasiness among business men as to the permanency and good faith of any government contract. It was also objected that, under administration, a number of collectors of the revenue were appointed who received fourteen per cent of their gross receipts for the work—the burden of this added expense of collection was felt to be a needless one.[78]

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[78] *Justa repulsa del reglamento de intendencias,* MS, pt. 6, pp. 20-22.

The *alcabala* was a tax commonly evaded if possible. A favorite way of doing this was to sell on commission or under pretense of so doing, to avoid duty on resales. Customs officials were habitually compromised in aiding evasions. The struggle over the readjustment of the *alcabala* at Vera Cruz has already been discussed, and need not be reverted to here. For some large towns Gálvez thought that administration would be better than contract with municipalities. For instance, he had in 1767 made a contract with the commercial and mining interests of Guanajuato, granting them the collection of the *alcabala* for 45,000 pesos a year. Subsequently a bonanza was struck in the mines, and the visitor was sorry for his bargain, because by it he had signed away the opportunity for real hacienda to participate in the unexpected prosperity. He advised Bucarely to refuse to renew the contract, even if he should be offered 70,000 pesos for it.

In Guadalajara *encabezamiento* was thought preferable, as Gálvez had in 1771 contracted with the residents and merchants there granting a reduction of 3000 pesos in the contract consideration, but had excluded from the territory under the previous contract the rich mining region of Rosario. This mining region was in the market for machinery and provisions, upon which it would pay a four per cent *alcabala*. The *guía* paid in Mexico on goods sent to Rosario showed that 484,000 pesos' worth of merchandise was sent thither in 1771, indicating that a goodly *alcabala* would be collected.[79]

In 1777 the office of general accountant of the *alcabala* was abolished upon the death of the incumbent, and the books were thereafter kept by the officers of the custom-house of Mexico. At this time, too, the *encabezamientos* arranged by Gálvez were expiring, and as they did so collection of the *alcabala* was administered. By 1778 all leaseholds had expired, and all customhouses came under administration at the same time; the *alcabala* was thereafter collected under schedules of evaluation fixed by the government, and not by appraisal of imports by the customs officers, as formerly. In 1793 Revillagigedo had a set of instructions drawn for the administration of this revenue.[80]

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[79] Gálvez, *Informe General*, 110.

By various royal enactments numerous exemptions from the *alcabala* were conceded. Among these were wheat and maize exported, produce raised by Indians, cloth exported to Spain, uniforms of the militia, mining and nautical instruments and utensils, linen from Spain, and national manufactures of *esparto* (a grass).[81] The Indians were, however, often imposed upon by overzealous collectors who desired to increase the amount of this revenue from districts where returns were normally small.[82]

From 1761 to 1765 the *alcabala* produced 6,060,978 pesos; from 1765 to 1777, it produced 19,844,053 pesos. From 1776 to 1779 the returns were 7,950,932 pesos. From 1780 to 1789, with a war tax increase of two per cent, the receipts were 31,302,941 pesos. In 1799 the *alcabala* amounted to only 2,407,000 pesos, but it increased to about three million pesos, which is the figure at which Revillagigedo and Humboldt both estimated it as an annual revenue.[83]

In 1791 the special war tax of two per cent was removed, and the hated *marchamo* initiated in New Spain by Gálvez was abolished. At seaports the rate of the *alcabala* was at this time three per cent. Four per cent was collected on inland sales and six per cent on smuggled goods detected. On November 4, 1784, it was ordered that each negro imported should be valued at one hundred and fifty pesos, and a six per cent duty be assessed on that valution.[84]

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[80] *Instrucción Reservada*, art. 1090.

[81] Maniau, *Compendio, 2a parte*, 52.

[82] Revillagigedo, art. 1068.

[83] Revillagigedo, art. 1041; Humboldt, *Political Essay*, IV, 112; Gálvez, *Informe General*, 91–114, 251–2; Fonseca and Urrutia, II, 5–118; Maniau, *Compendio, 2a parte*, 54.

[84] Maniau, *Compendio, 2a parte*, 49, note. The *alcabala* was collected in the Mexican Republic under the provisions (with numerous variations) of

21. *The pulque excise.*—The right to manufacture and sell *pulque*, a spirituous fermented liquor from the maguey plant, was leased throughout the viceroyalty generally prior to 1762. In that year[85] the industry was placed under crown administration,

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the *Instrucción de alcabalas . . . y pulques* written prior to 1793 (at which date it was given royal sanction) by José Mariano de Arce y Echeagaray, who was the chief officer of the *alcabala* and *pulque* revenues, and secretary of the *junta de unión de rentas y resguardos*, a body organized by Revillagigedo to obtain simplicity in revenue collection. The *Instrucción* is printed as No. 11 of the *Memoria de Hacienda*, April, 1835, and in Rodríguez de San Miguel, *Pandectas Hispano-Megicanas*, II, 191–218. The struggle of the Mexican people to free themselves from the *alcabala* was a long and tedious one. The state of Jalisco was the first to abolish the impost, in 1824, under the wise governorship of Priciliano Sánchez, who attempted to establish a direct contribution in lieu of the *alcabala*. In October, 1846, President Mariano de Salas decreed the suppression of the *alcabala*, but, the war with the United States intervening in November, a new minister of hacienda, Antonio de Haro y Tamariz, ordered it reestablished. So it continued until the presidency of Arista (1851–53). During that period it was ordered that merchandise should satisfy duties but one time, and be allowed free movement thenceforward throughout the republic. At the same time many of the states went a step further, and abolished their interior custom-houses. But when Santa Ana resumed control in April, 1853, he again re-established the odious tax. By the plan of Ayutla (1854), many states abolished interior custom-houses, and with them went the *alcabala*. It was again imposed by Manuel Payno under Ignacio Comonfort, in spite of vociferous objections from several state executives. Finally the constitution of 1857, article 124, contained the enactment that *alcabalas* and interior custom-houses should be abolished on and after June 1, 1858. The revolution in Tacubaya of 1857 prevented, and the collection continued. An added burden came when, as a substitute for the *alcabala*, the federal government levied a direct contribution, but left the *alcabala* still to be collected in a number of the states. This occurred in 1861 in San Luis Potosí. Under Maximilian, an effort was made to replace the *alcabala* and the interior custom-houses by making the maritime customs plus a tax on lands meet the budget of expenses. This measure possessed the added attraction of promising to reduce the size of large land holdings by levying a prohibitive tax. Such a prospect would have doomed the measure even if Maximilian had survived his foolish attempt at empire. Following the restoration of native sovereignty, Juárez attempted to abolish the *alcabala*. Success to the effort did not come, nor again in 1875, when renewed attempts were made. It was not until 1896 that the system of interior duties was finally abandoned (A. and F. Farias, *Opúsculo que trata sobre la Inconveniencia de las Aduanas Interiores*, San Luis Potosí, 1875, *passim;* T. Morán y Crivelli, *Juicio Crítico sobre el Sistema de Hacienda en Mexico, passim;* Macedo, *Tres Monografías*, I, *La Evolución Mercantil*, 119). It was abolished in Spain in 1845 (Alcubilla, *Diccionario de la Administración Española*, I, 338).

[85] Maniau, *Compendio, 2a parte*, 102, gives the date as February 9, 1763.

the revenue being doubled by this arrangement. The *pulque* business presented a difficult problem for the government to solve. On account of the wide cultivation of the maguey, the liquor was made in many places, often secretly for the sake of avoiding the duty. The Indians are believed to have mixed with the liquor lime and other deleterious ingredients, which had very noxious effects on consumers. It was so generally used as to be a staple. Very cheap, it could be purchased in large quantity—something like a pint for one real—by the poorest inhabitants, who were the most disorderly. The criminal courts were always clogged with cases in which *pulque* was responsible for the mischief. The viceroys would have gladly eradicated the evil, as would the clergy, but the beverage was an immemorial heritage of the indigines, and its use could not be prevented.[86] The earliest tax on *pulque* was one real per *arroba* (twelve English quarts), but the rate of collection was never uniform. Small additions were made to it in times of exigency. In 1767 the rate of one real was raised by one and one-sixth grains. In 1777 it was made one real four grains. In 1778 another grain was added, and in 1780 six more for war costs. Finally, in 1784 the rate was made two *tomines* one grain (a little over two reals), and so it continued.

After 1767 half a grain of the duty was destined for quarters and uniforms of militia. One grain was devoted to the court of *La Acordada* after 1777. Two grains went to road making after 1784, for a period of ten years. The remaining one *tomín*, nine and one-half grains, were applied to the general fund of real hacienda. The ordinance of the intendants required that the *pulque* revenue should be made uniform throughout the viceroyalty, and gave the special injunction that use of the beverage should be closely watched,[87] in order to guard against the scandals and crimes which it occasioned. The levy was not, however, rendered uniform.

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[86] Cf. Smith, *The Viceroy of New Spain*, 180.

[87] Maniau, *Compendio, 2a parte*, 101–2. The *tomín* was a weight of one scruple, and had, in silver, the value of one real.

The net revenue produced by *pulque* from 1765 to 1777 was 5,330,393 pesos. By 1778 the branch was generally under administration, and the income was 10,206,539 pesos from 1777 to 1790. From 1785 to 1789 it was 4,080,100 pesos, or 757,914 pesos annually. Between 1788 and 1792 it was 761,131 pesos. This revenue came chiefly from the cities of Mexico, Puebla, and Toluca. Expense of collection was about seven per cent of the net revenue.[88]

22. *Principal export and import duties.*—The *armada* and *avería* (*habería*) were collected on imports and exports at Vera Cruz and Acapulco. After 1561 a fleet was employed to protect Spanish merchant ships against French pirates. The expense of this fleet was met by a contribution for the *haber* (perquisite) collected by the *consulado* of Cadiz and the Casa de Contratación. Into this fund was also put the royal share of one-fourth of the seizures made at sea by Spanish vessels. Records of payments of the *avería* go back to 1700. Gold, silver, and precious stones belonging to the king's estate were free from it.[89] The *avería* was first levied at two-tenths per cent. During the latter part of the eighteenth century the rate was one per cent, and the *armada* rate the same, the two being collected together. Revillagigedo says that each duty was one peso, but he does not give the base upon which the levy was collected.[90]

When in 1753 the *alcabala* collection was taken from the *consulado* by the elder Revillagigedo that body paid the salaries of its officials and that of the provincial judge of *La Acordada* from *avería* receipts.

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[88] Fonseca and Urrutia, I, pp. xix, xx, III, 338–428; Gálvez, *Informe General*, 110–114; Maniau, *Compendio, 2a parte*, 103; Humboldt, *Political Essay*, IV, 218; Revillagigedo, arts. 1096–1100.

[89] *Recopilación*, ley 13, tít. 9, lib. 9.

[90] *Instrucción Reservada*, art. 1335.

The *armada* and *avería* at Acapulco were included in the lump duty paid by the galleon. At Vera Cruz the *avería* revenue was employed in meeting expenses of careening vessels and of the marine hospital. The *armada* was applied to expenses of the accounting house, the warehouses, and to port salaries.

During the term of the younger Revillagigedo these revenues were under administration. For the quinquennium 1785–89 the total revenue amounted to 54,088 pesos, this being a slight increase over the quinquennium beginning one year earlier. Maniau gives the proceeds of both revenues at 70,597 pesos, and the expenses they were supposed to meet at 194,378 pesos; the deficit was made up from the general fund.[91]

The *almojarifazgo* was an export and import duty, dating in Spain from Moorish times, when it replaced the entry duties of the Gothic kings. The rate was at first seven and one-half per cent *ad valorem* by appraisal. The original pioneers of New Spain were exempted from payment of duties, but the exemption was removed in 1543, and the rate of the *almojarifazgo* was fixed at two and one-half per cent, the settlers being by this time thought to be able to bear moderate burdens of taxation. The rate was raised in 1566 to fifteen per cent, five per cent being paid at the time of export from Spain, and ten upon import into America. On goods passing from one American port to another, the *almojarifazgo* varied from two and one-half per cent to five.[92]

In 1734, by cédula of April 8, Manila merchants were permitted to bring yearly to Acapulco one cargo worth 500,000 pesos, and to export the proceeds of their sales to the amount of 1,000,000 pesos in cash. This was an increase over the allowance of 1727, when the limit of importation was 300,000 pesos, and that of exportation 600,000 pesos. Habitually the limits were greatly exceeded.[93] For the privilege of exporting the million pesos a duty of seventeen per cent was paid. In 1769, by cédula of December 18, additions were made to this rate, by which, under the name of the *almojarifazgo*, thirty-three and one-third per cent was paid on imports from Manila, while no exaction was levied upon the money exported, unless it exceeded one million pesos, in which case six per cent was to be paid on the excess.[94]

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[91] Fonseca and Urrutia, IV, 516–535; Maniau, *Compendio, 2a parte*, 106; Scelle, I, 71–73, discusses these duties as they were paid in Spain only.

[92] M. Lerdo de Tejada, *Comercio Esterior de México*, 13; Scelle, I, 70.

In 1779 the duty was reduced to eighteen per cent for two years, and 25,000 pesos' worth of additional imports, manufactures of cotton and other goods not competing with Spanish manufactures were permitted at the same rate, for a period of six years. The latter concession was still in force in 1791, but the rate of thirty-three and one-third per cent was re-established in 1781. Under these restrictions for the protection of the commerce and manufacture of old Spain the galleon of 1790 produced 179,305 pesos revenue on a cargo valued at Manila at 537,915 pesos. Merchandise exported to Manila by the same galleon paid three and one-half per cent, producing 1442 pesos revenue; goods sent to the Compañía Oriental de Filipinas at two and one-half per cent yielded 5022 pesos. The total crown revenue from the galleon was thus 185,749 pesos. About 12,000 pesos more were received in the same year at Acapulco from a five per cent *almojarifazgo* on imports from Peru.

At Vera Cruz the regular *almojarifazgo* was ten per cent. By the Reglamento of "free commerce" of 1778 it was removed for a period of ten years on merchandise brought from Spain; the duty of five per cent upon exportation from Spain was also removed. A three per cent duty was still collected on all goods sent in registry, after twelve per cent had been added to the schedule of appraisal fixed by the government, and after deducting ten per cent for leakage on liquors, or fifteen per cent on goods proven to have been at sea for six months.[95] Other reductions contained in the pragmatic lowered the export duty on silk from eighty to thirty-four *maravedís* per pound, and conceded complete freedom from the *almojarifazgo*, but not from the *alcabala*, on a long list of goods. Some of these were steel, wire, ocher, sugar, coffee, salted meats and fish, beer, chocolate, locks, knives, mirrors, swords, sealing-wax, bricks, earthenware, razors, pewter, glass, flour, vermicelli, lead, hats, shoes, and all kinds of hardware. Owners of Spanish-built vessels laden with Spanish goods for American ports named in the Reglamento were to enjoy a reduction of one-third of the harbor duties and other charges to which they were liable. Vessels two-thirds laden with national goods were to have a reduction of one-fifth of these duties.[96] The liberalization of commerce under this legislation was one of the two crowning acts of the ministry of Gálvez for the Indies, the other being, of course, the ordinance of the intendants.

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[93] "On ne permettait au commerce de sortir qu'une cargaison d'un million de gros écus par an, et elle était parfois de 5 à 6" (Teodoro de Croix, letter, Mexico, May 29, 1767, *Correspondance*, 207).

[94] Fonseca and Urrutia, V, 36–50. See above, pp. 307–8.

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[95] Fonseca and Urrutia, V, 51–53; *Reglamento de Comercio Libre . . . de 12 Octobre, 1778*, Madrid, 1778. For a summary of the provisions of this legislation see Smith, *The Viceroy of New Spain*, 250–253.

[96] Fonseca and Urrutia, V, 54–55. During the forty-three years between 1778 and the independence of 1821, numerous changes occurred in the scheme of collecting duties from commerce. The benefits of the ordinance of October 12, 1778, were largely minimized by the fact that Spain was from 1792 to 1814 continuously at war with either England or France, and the need of greater revenues was insistent. To produce them, the *almojarifazgo* and *avería* were increased before 1811, and the *almirantazgo* was renewed in 1807, being fixed at one-tenth per cent on silver exports. Another local duty collected at Vera Cruz was the *peage*, which, for the purpose of building a road to Mexico, was levied at rates from a few reals for beasts of burden up to two pesos for coaches. A *tonelada* of one real on European vessels and half that amount on American ships was added in 1805 for the San Juan de Ulloa lighthouse; another tax for a hospital, a convoy duty added in 1813, and a *muralla* (seawall or dock duty) on pack-mules were some of the lesser annoyances which were continued or increased.

The most conspicuous changes occurred in Spain, where the lowered American duties were compensated for by indirect levies which were really paid by the American consumers of imports. These consisted principally of duties on foreign goods, amounting to thirty-six and one-half per cent, which, added to the colonial duties, brought the total imposts on goods consumed in Mexico up to seventy-five per cent (Lerdo de Tejada, *Comercio Esterior de México*, 21–23).

The tables shown below, of the products of the *almojarifazgo* in the ports of Acapulco and Vera Cruz, summarize the methods of collection in force after the concessions to commerce by the legislation of 1778.

REVENUES OF VERA CRUZ (1785–1791)

Per cent	Revenue in pesos	Goods upon which collection was made
5	147,362	on goods from American ports, levied by appraisal at current prices (ley 13, tít. 15, lib. 8, *Recopilación*) on registered goods, or by ley 10 if unregistered.
2½	17,782	on goods to other American ports, registered or not, according to the above-mentioned legislation.
3	559,277	on imports from Spain, under the regulations of the above-mentioned legislation.
7	2,457,152	on foreign goods, under the same legislation.
15	1,671	on surplus provisions taken at Havana by mail ships and allowed entry at Vera Cruz up to the value of 1,000 pesos, in spite of absolute prohibition of European goods imported at Vera Cruz from other American ports.
20	1,948	origin not specified.
	3,185,142	Total.

The two noticeable features of the above table are the large proportion of imports from foreign countries, which was the great weakness of the Spanish commercial system, and the absence of any export *almojarifazgo* on goods sent to Spain.

The Acapulco custom-house collected funds credited to the *almojarifazgo* between 1786 and 1790 at the following rates and amounts:

REVENUES OF ACAPULCO (1786–1790)

Per cent	Revenue in pesos	Goods upon which collection was made
2½	21,754	on goods shipped to the Compañía Oriental de Filipinas.
3½	2,800	on goods shipped to other merchants of Manila.
5	53	on imports from Peru.
6	45,922	on the goods above 500,000 pesos allowance from the Philippines.
16⅔	2,343	on goods whose origin is not specified.
18	10,560	on Philippine imports while the rate was lowered.
33⅓	577,100	on the regular galleon cargo from Manila, at the legal rate.
	660,332	Total.

Both tables compiled from Fonseca and Urrutia, V, 59.

The total net *almirantazgo* for the quinquinneum 1785–89 was 3,002,895 pesos, or 600,579 per annum. Maniau[97] computes the revenue for 1788–92 at 599,499 pesos. Humboldt estimated it[98] at half a million pesos.

23. *The salt excise.*—Refinement and sale of salt produced a revenue in New Spain after 1580; viceroyal regulations of that year constitute the earliest mention of government interest in saline deposits as a source of state income. The salt was found in central New Spain. The deposits of Santa María del Peñol Blanco in Zacatecas were the most important ones in the viceroyalty from the first, while the mines of Zapotillo were nearly as well known. In 1648 the King complained that they were not producing enough revenue under the leases then in force, under the terms of which the crown received its dues in kind. The contract system continued until 1778, that being the method used by Gálvez for the salt revenue while he was visitor. At the time of the adoption of free commerce, the salt revenues were taken under administration. Salt works were by that time quite common throughout the valley of Mexico and on the

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[97] *Compendio, 2a parte,* 20.

[98] *Political Essay,* IV, 214; cf. Revillagigedo, arts. 1330–32.

coasts. During the period of the Gálvez visitation the production was approximately 37,500 tons.[99]

As the Indians were not liable for the *alcabala* on the products of their labor, they were assessed for small licenses on salt works. These licenses produced only about 250 pesos per annum.

Gálvez leased the Peñol Blanco *salinas* in 1766 to operators who paid 19,330 pesos annually for five years; in the following quinquennium, the price of the contract was, through the visitor's influence, raised to 35,000 pesos. In Pánuco and Campeche the contracts produced 2200 pesos annually. The Nueva Galicia salt works Gálvez found in rather a low condition. Those at San Blas, Acaponeta, Chametla, and a few others, brought the total crown revenue up to 24,443 pesos for the quinquennium 1766–70.

The visitor placed the salt works at Zapotillo and Sentipac under administration, for the benefit of the drydock and new settlement which he founded at San Blas. At the same time he reduced the sale price of the commodity. The purchase price paid by the government under administration was six reals per *carga;* it was sold at a gain of four reals per hundredweight. The salt works of Sonora, Sinaloa, and Lower California were placed under the same regulations for their administration, Gálvez having found the basis for his plan in operation in the latter territory under the Jesuits, as it was in Culiacán.

On the Gulf coast a monopoly of the salt industry was regulated under leases, to prevent excessive prices. Campeche salt was sold in Tampico and Pánuco at twelve pesos per *fanega* (hundredweight) when commerce was unrestrained. By Gálvez' regulation a monopoly price was fixed at six pesos; the improvement in the salt market caused by the new price led Gálvez to extend the monopoly in January, 1771, to Vera Cruz. The production was doubled, and the original producers obtained a better price for their salt.

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[99] Fonseca and Urrutia, IV, 6–13; Gálvez, *Informe General*, 79; the *Recopilación*, ley 13, tít. 23, lib. 8 (1609), ordered the establishment of the salt monopoly wherever that arrangement would not conflict with the industry of the Indians, whose means of gaining a livelihood were not to be interfered with.

In 1767 salt duties were decreased in Yucatán from four to two reals per hundredweight, and the *alcabala* on salt was reduced from six to four percent; these reductions were relief measures to lessen the burdens of the people, who were suffering from a recent pest of grasshoppers.

In order to prevent the salt supply from running short in rainy winters, Gálvez set to work the administrator of the tobacco, playing-card, and powder monopolies of Nuevo Santander to develop deserted salt works in that province and store the product against time of need.

The importance of a large salt supply was due to the direct use of this mineral in refining gold and silver. The establishment of the monopoly met with some resistance from interested dealers; Landazuri, true to his rôle as protector of the commerical classes, characterized the measures of Gálvez as harsh innovations without excuse. Nevertheless, the visitor upheld the monopoly as the only feasible plan to adopt, and urged its continuance upon Bucarely because it returned a large profit and prevented undue gouging by vendors, an abuse against which the authority of the state should be invoked "in a country where commerce in staple commodities is not conducted by sane rules, but by combinations and sharp practices for excessive gains."[100] The ordinance of the intendants provided that the Indians should, as formerly, be left in quiet possession of their small salt works; other plants were normally to be put under administration, with an administrator and deputies in charge. There still remained, after the enactment of the ordinance, a number of salt deposits not yet placed under the new system. The industry had, however, been brought to a greater degree of productivity, at least in revenue. In the quinquennium 1786–90 the annual net income was 91,496 pesos, or nearly three times the amount received before the Gálvez visitation. In 1788–92 the revenue was 109,459 pesos. During the term of Revillagigedo, it was estimated to be worth about 100,000 pesos annually.[101]

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[100] Gálvez, *Informe General*, 77-85. "L'or et l'argent sont le seul Dieu et vous ne croiriez pas la millieme partie des horreurs commises en tout genre par des gens de tout rang" (Teodoro de Croix, letter, January 17, 1767, Acapulco; *Correspondance*, 204).

24. *Profit and loss account.—Aprovechamientos,* the name of the fund in which was kept the saving on goods bought for government use and not consumed, was considered a branch of real hacienda. It was of course not properly a revenue, but as the various savings were grouped together, and not returned to the accounts from which the purchase money had been originally drawn, they constituted rather an account of profit or savings than a branch. The account was created in 1784 by the *contaduría de Indias.* To it were debited, strange to say, freights paid by persons who shipped goods on royal vessels. During the period 1785–90 the annual balance averaged 22,467 pesos. For 1788–92 it was 29,640 pesos. Revillagigedo speaks of *aprovechamientos* as showing a balance of 50,000 pesos.[102]

Alcances de cuentas (balances of accounts) was the name of a fund or account which, beginning in October, 1522, the treasury officials were required to keep individual record of all balances turned over to them by lessees of branches of real hacienda. The proceeds of this account were to be used to defray expenses of making audits (*glosas*) of the accounts of the treasury, but as the returns were habitually insufficient, the practice by 1792 was to pay these costs from the general fund. The original purpose of the establishment of this account was to prevent leakages in the regular accounts by checking up the books of subordinate officials, by refusing to allow improper expense accounts, etc. In 1650 the proceeds of *alcances de cuentas* amounted to 7621 pesos. In the quinquennium 1785–89 the average annual saving was 5173 pesos. For the period 1788–92 it was 8,332 pesos.[103]

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[101] *Instrucción Reservada,* art. 999 (see arts. 999–1005 for added details) Fonseca and Urrutia, IV, 139; Maniau, *Compendio, 2a parte,* 67; salt imported at Vera Cruz from Campeche in 1804 was valued at 37,845 pesos (Humboldt, *Political Essay,* IV, 365).

[102] *Instrucción Reservada,* arts. 1318–19; Fonseca and Urrutia, I, p. xxi; Maniau, *Compendio, 2a parte,* 162–3.

25. *Harbor charges.*—Duties collected from masters of vessels were numerous; they were grouped under the generic term *anclaje* (anchorage). The Marqués de Cruíllas issued a schedule on July 22, 1762, in which it was provided that every merchant vessel which anchored in Vera Cruz should pay ten pesos six reals as a harbor fee.[104] The proceeds were used to pay for harbor lights, for the privilege of careening on the drydocks, and for inspections. The net annual product from this revenue during the period 1785–89 amounted to 14,538 pesos. For the quinquennium 1788–92 the annual receipts were 1,053 pesos. This was after the dues collected from vessels had been cut to two pesos in accordance with the Reglamento of 1778.[105]

Lastre (ballast) was the name of the revenue derived from furnishing vessels outward bound from Vera Cruz with stone ballast. From time immemorial up to 1780, stone was bought on the account of the treasury at twenty reals a ton, and sold at four pesos a ton by the governor of Vera Cruz as a perquisite of his office. In the year mentioned, the revenue was placed in administration under regulations framed by the viceroy Mayorga. In 1788, an attempt was made to obtain a bidder for a lease of the revenue, but no one wanted the contract. The revenue derived in 1785–89 was about 2,000 pesos annually; in

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[103] Fonseca and Urrutia, I, p. xxi, III, 430–33; Maniau, *Compendio, 2a parte*, 21–23; cf. Revillagigedo, art. 1317.

[104] Revillagigedo, art. 1343.

[105] Fonseca and Urrutia, I, p. xxi, IV, 685–95; Maniau, *Compendio, 2a parte*, 125–7; Lerdo de Tejada, 15; Revillagigedo, art. 1343.

1788–92 the product was 2228 pesos. Revillagigedo said that it produced about eight hundred pesos a year.[106]

26. *Bienes mostrencos* were chattels which, being left without owners, through shipwreck, estray, loss, or similar causes, were claimed by the state after due lapse of time and proper advertisement. The initial cédula providing for care of these chattels was dated November 25, 1552. In a circular order of October 21, 1782, the viceroy of New Spain ordered that unclaimed goods should be sold at auction after lapse of one year. By article 83 of the ordinance of the intendants, those officials were placed in charge of this revenue. In 1785–89 it yielded 352 pesos. For the period 1788–92 the sum realized was about 750 pesos. Revillagigedo speaks of the revenue as producing 450 pesos.[107] These returns were net, as there were no expenses of collection, which was performed by treasury officials.[108]

27. *Gifts to the king.*—The last of the revenues which contributed to the general fund and were applicable to the expenses of the viceroyalty was that of *donativos*, gifts to the crown by individuals or corporations. It was an irregular, but long-established source of income. In the New World a conspicuous instance of the monarch's calling upon his subjects for special financial help as a gift occurred in 1624, when 432,342 pesos were given. Philip III had suffered the loss of most of his shipping through war and storm at sea; the tragedy was the more complete because the ships had gone down with some 16,000,000 pesos on board. He therefore called upon the viceroy of New Spain, Cerralvo, to address letters to the bishops, the

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[106] *Instrucción Reservada*, art. 1334; Maniau, *Compendio, 2a parte*, 138-40; Fonseca and Urrutia, V, 60–78; the last-named authors give in their table of revenues for 1785–89 gross receipts of 125,025 pesos, expenses of 62,910 pesos, net receipts of 62,215 pesos, or 12,443 pesos annually, but this is evidently a mistake.

[107] *Instrucción Reservada*, art. 1321.

[108] Fonseca and Urrutia, I, pp. xxi-xxii, III, 434–37; Maniau, *Compendio, 2a parte*, 44–6; for the legislation concerning *bienes mostrencos* see the *Recopilación*, ley 18, tít. 20, lib. 1; ley 9, tít. 5, lib. 5; ley 6, tít. 12, lib. 8.

cities, and religious orders and communities, for money with which to build coast-guard ships. The answer was a gift of over 1,100,000 pesos, which were finally paid in 1629. Again, when in 1634 the palace at Madrid was burned, 2,000,000 pesos were *ordered* raised in New Spain as a gift, for that dependency's pro rata share of 6,000,000 pesos for a new palace. Philip IV, on coming to the throne, assured his American vassals that he would abstain from asking forced loans and even reimbursed such a loan called for by Philip III a year previous to the former's accession.[109] In 1743, New Spain donated 199,390 pesos for military purposes. In 1761 Cruíllas ordered all officials of the viceroyalty to request subscriptions from the inhabitants generally for defense against the threatened invasion by the English, for the funeral ceremonies of Ferdinand VI, and for the wedding of the Infanta. Mexico City alone responded with about 20,000 pesos; the final accounting in 1767 showed that the viceroyalty as a whole contributed approximately 74,000 pesos. Other lesser loans were frequently asked for.[110]

A notable forced loan was called for under the ministry of Gálvez when in 1779 the costs of the war with England were met in part by a contribution from all Spaniards in New Spain of two pesos, and one peso from all other persons. The period of collection extended from 1781 to 1787. The amount acknowledged was 887,809 pesos. During the same period the usual war-tax of one-third was added to the *alcabala,* which was derived from sales by all persons not Indians. The latter were assessed added rates on *pulque.*[111]

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[109] *Colección de Documentos Inéditos relativos al Descubrimiento de . . . América y Oceanía* (Madrid, 1864–84), XVII, 249–52; Bancroft, *History of Central America*, II, 472.

[110] Fonseca and Urrutia, I, p. xxii, IV, 429–441.

[111] Fonseca and Urrutia, IV, 429–533; Revillagigedo, arts. 1322–29; Maniau, *Compendio, 2a parte*, 81–84.

The above list is that given by Fonseca and Urrutia. Maniau makes the general fund (*masa común*) to consist of forty-seven branches. Besides those already enumerated, he adds the following:

28. *The general fund and its uses.*—From the imposts or duties described on the foregoing pages, that is, those of the general fund, the gross receipts in the quinquennium 1785–89 amounted to 10,747,878 pesos for an average year. Deducting from this total the expenses of administration of revenues, purchase cost of monopolized goods, certain arbitrary charges placed against some of the revenues before they were called net, and sums destined to a few outside treasuries, the balance left in the general fund was 8,888,102 pesos. Of this balance, more that three million pesos were used for appropriations (*situados*) for the support of the other colonial possessions, Havana, Porto

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Tierras (lands), which is the generic title of the revenues derived from the leases of royal demesne and the *censo*.

A bakery license at San Juan de Ulloa. The bakery was conducted by the government for the troops there.

The alum duty, which Fonseca and Urrutia include with other minor metals, lead, copper, and zinc.

The export duty on gold and silver. In 1778, the ordinance of that year levied two per cent on gold and five and one-half per cent on silver exported. The revenue was about 9000 pesos. All funds returned for purchase of produce were relieved of duty.

The *fortificación* was a duty of four pesos per quintal on wine imported. In 1788–92 it showed a deficit of 15,381 pesos.

Buque (ship) was the duty collected at Campeche, identical with that called *anclaje* at Vera Cruz. It produced 300 pesos a year.

The silk duty on imports of that article from Spain produced 270 pesos.

The duty on *miel de purga* (a residual syrup from sugar manufacture), at twenty pesos a pipe on importations from Havana, yielded 226 pesos.

Hospitalidades represented the saving on soldiers' wages while they were in hospitals. It netted 27,494 pesos for the period 1788–92.

The *servicio de entrada* was collected at eight reals per piece on goods from ports which did not enjoy free commerce. It was first collected in 1631 and added to the *armada*. It yielded 2099 pesos in 1788–92.

The *servicio de salida* was, like the above duty, collected at Campeche, at half the above rate. It produced 1277 pesos.

Various sea duties at Vera Cruz, to pay pilots, for launches, etc. They produced 1945 pesos.

The *contaduría de cuentas* also listed other branches: the pearl duty, which produced 59 pesos in 1792; an increase of one real in the tobacco duty at Campeche, which in 1792 produced 7002 pesos; the mail duties at Arispe; freight duties, included under *aprovechamientos* above; a head tax on imported negroes, included under the *alcabala* above; quicksilver freights, included under quicksilver duties, below; vacancies in *encomiendas,* included under the tributes. For details of these duties see the *Compendio, 2a parte*, arts. 128, 130, 154–155, 167–168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180–187.

Rico, Florida, Trinidad, the Philippines, and others. After the *situados* were deducted, there remained, applicable to the expenses of the viceroyalty, 5,843,438 pesos. The cost of operating the government was 4,090,688 pesos, leaving still in the viceroyal fund 1,752,750 pesos with which to meet unusual expenses, or to be applied on the public debt of either Spain or New Spain.[112]

Of the four million and odd pesos spent on expenses of the viceroyalty, about 2,400,000 pesos were expended on troops and presidios, a formidable proportion to be demanded for public defense. Nearly 99,000 pesos were used to pay debts and interests due on deficits of earlier viceroyal terms.[113] Thus it is apparent that if the viceroyalty had been at this time maintained on a normal peace basis, the expenses would have been less than half what was used.[114]

29. *The masa remisible.*—Beside the revenues which entered the general fund, there were, as was stated at the opening of the chapter, three special revenues which, though they were collected in New Spain, were sent direct to Spain. These were the receipts from the tobacco, playing-card, and quicksilver monopolies. The tobacco revenue was sent to Spain direct after 1765; the quicksilver revenue was subject to the immediate orders of the king as early as 1743; while the income from playing-cards was sent

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[112] The public debt of New Spain was then about 4,000,000 pesos. That of Spain was in 1805 1750 million reals (87,500,000 pesos), which was far less than the public debt of France or England. For comparison and discussion of the public debts of the three countries at that period see Humboldt, *Political Essay*, IV, 243.

[113] During the incumbency of Revillagigedo the following deficits of earlier administrations were paid: From the term of Matías de Gálvez, 1,674,727 pesos; from the time of the *audiencia gobernadora*, 596,866 pesos; from the term of Bernardo de Gálvez, 210,000 pesos; from the term of Flores, 152,000 pesos; special expenses of Revillagigedo's own term, 1,082,450 pesos, besides 112,122 pesos for the Nootka expeditions and 116,672 pesos for Alexander Malaspina's scientific cruise (*Instrucción Reservada*, arts. 748–9).

[114] See Fonseca and Urrutia, I, tables following p. xxxviii; see also Humboldt, *Political Essay*, IV, 221, for a table showing the receipts of the

direct to Spain in 1678 at least for the once. In 1787 it was ordered sent regularly to Spain.[115]

The tobacco revenue, the inception and operation of which was discussed in a previous chapter, was a source of ever-increasing returns during the Spanish domination. In 1766 the total income was 1,417,846 pesos, the net profit being 239,097 pesos. By 1790 the gross receipts had mounted to 6,235,314 pesos, and the profit to 3,397,965 pesos. From 1766 to 1790 the total gross receipts were 110,797,358 pesos, and the total net proceeds were 52,437,074 pesos. In 1802 the net proceeds were 3,500,000 pesos, the total receipts having amounted to 7,687,000 pesos. This revenue was the largest of all those of New Spain.[116]

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five-year period ending 1789. Maniau, *Compendio, 2a parte,* gives the table of receipts and expenditures for 1788–92 as follows:

		Pesos
Total assets, general fund		$11,184,051
Salaries and costs of administration	$1,381,407	1,959,733
Special charges against certain revenues	578,326	
Leaving net to the general fund		$9,224,318
Distribution of the Net Income		
For appropriations (*situados*) to other colonies	$4,528,076	$9,136,526
Salaries of justices	133,038	
War expenses	3,604,380	
Various salaries	78,943	
Pensions	74,310	
Expenses of the viceroyalty	252,287	
Salaries of real hacienda	465,490	
Balance after deducting all charges		$87,792

Contrasting this statement with that of the period 1785–89, it is apparent that, while the gross income had grown more than 300,000 pesos, the *situados* had been increased by more than a million pesos, and war expenses by still another million. So that, instead of an increased balance, about half as much was left as during the first period. In other words, New Spain was made to bear the brunt of the greatly increased expenditures of the Spanish empire. The budget for the year 1803, remitted to Spain by the viceroy Iturrigaray (Humboldt, IV, 226–9), shows little change in the financial situation from that of the period just mentioned.

[115] Fonseca and Urrutia, II, 314.

[116] Fonseca and Urrutia, II, 353–468; Gálvez, *Informe General*, 19–54; Humboldt, "Tablas geográfico-políticas del reino de la Nueva España (en el año de 1803)," in the *Boletín de Geografía y Estadística,* I, No. 8; Revillagigedo, art. 1108; Maniau, *Compendio, 3a parte,* 16–30.

Royal revenue from sale of playing-cards in New Spain was collected since 1552, in which year the business was monopolized in all Spanish possessions, as it had previously been in Spain. By 1576 cards were manufactured in Mexico; in 1635 they sold at one peso per pack, as they did in 1794. At the latter date 120,000 packs were annually consumed.[117] In 1644 the visitor-general Palafox found the lessees of this revenue bankrupt. Other bankruptcies following, the branch was put under administration in 1677, returning to the lease system in 1693. In 1746 the playing-card revenue was leased for an annual advance payment of 70,000 pesos.[118] The two methods alternated until the arrival of Gálvez, who formed ordinances governing manufacture, sale, and *use* of playing-cards. These regulations increased the revenue by about 59,000 pesos before Gálvez left New Spain. The ordinance of the intendants changed previous regulations only to the extent of placing contentious litigation concerning the monopoly in the hands of the intendants, removing it from the control of the director and factors of the revenue.

In 1777 the sale of playing-cards from the factory created at Macharaviaya, Gálvez' native village, began. This factory had the monopoly of the production of all cards used in America and the Philippines. Its establishment was only one of the many public benefits which Gálvez originated for the prosperity of his "patria".

In New Spain this revenue was managed like the powder revenue, that is, neither had a treasury of its own, but each deposited its receipts in the tobacco treasury. In the quinquennium 1785–89 the revenue was 97,835 pesos, or more than double the receipts before Gálvez came to New Spain. In 1790 the product was 120,000 pesos.[119]

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[117] Revillagigedo, art. 1033.

[118] Rodríguez de San Miguel, *Pandectas Hispano-Megicanas,* II, No. 5109.

[119] Fonseca and Urrutia, II, 295–352; Humboldt, IV, 214; Gálvez, *Informe General,* 17–20; Maniau, *Compendio, 3a parte,* 1–5; Revillagigedo, arts. 1032–38.

The revenue from quicksilver was always an important one. The process of extracting gold and silver by means of mercury was discovered in New Spain in 1557 by Bartolomé de Medina, a miner of Pachuca.[120] The royal income from this source received more attention from kings and viceroys than did most of the other revenues, because other mining duties bore close relations to the efficiency of the quicksilver distribution. Quicksilver was imported from Spain when possible, being sent usually in war vessels. At times it was bought in Peru, often from Germany, and even from China, though its importation from foreign countries was frequently forbidden. The desire to foment quicksilver mining in Spain led sometimes to prohibitions against working the deposits in New Spain. In 1777 experts from the Almadén mines in Spain came to the viceroyalty for the purpose of developing the quicksilver deposits, but the veins discovered failed to yield results worthy of notice.[121]

From the proceeds of sales by the government, 400,000 pesos were sent to Havana for tobacco to ship to Spain, and 500,000 pesos were paid for the importations of quicksilver from the mines of Germany. The actual sales almost never satisfied these demands, but increased revenues from gold and silver and from the mint helped to supply the deficiency, which was made up from the general fund. The income from 1776 to 1789 was about 540,000 pesos per annum, not a greatly larger sum than was received at the time of Gálvez' visitation, but the reductions in the price obtained by him, while the sales produced the same return, indicate that a benefit of about one-fourth was reaped by the miners.[122]

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[120] On the use of quicksilver in the mines of Mexico see Humboldt, III, 280–91.

[121] For prices of quicksilver, and amounts consumed, see above, p. 242, note 10.

[122] Fonseca and Urrutia, I, 297–387; Gálvez, *Informe General*, 74–77; Humboldt, IV, 209; Maniau, *Compendio, 3a parte*, 6–15; Macedo, *Tres Monografías*, I, *La Evolución Mercantil*, 36.

During the quinquennium 1785–89, the three revenues just named produced 34,499,151 pesos, the net proceeds being 16,806,644 pesos, or 3,361,151 pesos annually, which were sent to Spain.[123]

30. *Revenues from the church.*—We have now completed a summary view of the revenues of the first group, or, more properly speaking, of the first two groups, the *masa común,* or general fund, and the *masa remisible,* or fund sent direct to Spain. In what Fonseca and Urrutia call the second group, and Revillagigedo designates the third one, were five revenues which were devoted to particular destinations, and derived chiefly from ecclesiastical sources.[124] They were moneys accruing from sale

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[123] Fonseca and Urrutia, I, table 3, following p. xxxviii; the table shown by Humboldt, IV, 221, which was remitted to Spain by Revillagigedo for this same period, shows the net produce of these three revenues as 3,819,527 pesos.

[124] Two revenues, the *almirantazgo* and the income from postal service, are not discussed by Fonseca and Urrutia or by Maniau. The levy of the *almirantazgo* in Spain antedated the discovery of America. The proceeds constituted a part of the emoluments of the admiral, hence the name. It was collected on exports and imports at Seville, but not on vessels trading with the Indies until 1737, in which year was created the position of *almirante general de España é Indias.* The *almirantazgo* was at that time begun as a sort of contribution or donation by the commerce of New Spain and the Philippines. The tax consisted of diverse levies on parcels of merchandise; chief among them were those of two and one-half pesos on every quintal of iron imported into New Spain, one peso tonnage duty on all vessels, ten reals on every one thousand pesos' worth of private exports. The duty was abolished by royal order of October 30, 1748, but continued to be collected nevertheless (Lerdo de Tejada, *Comercio Esterior de Mexico,* 14–15). In the time of Revillagigedo the younger, the commerce of New Spain contributed under the designation *almirantazgo,* 5000 pesos, and that of the Philippines 2000 pesos, though the post of admiral had been abolished (*Instrucción Reservada,* art. 1337).

The business of carrying the mails of New Spain was made a salable office by Charles V. The last holder of the position of superintendent of posts (*correo mayor*) was Antonio Méndez Prieto, who purchased it for 71,770 pesos, agreeing to transport free all mail of the courts and the system of real hacienda.

Grimaldi, chief minister of state under Charles III, in a provisional regulation dated August 24, 1764, provided for the establishment of a royal mail service between Spain and America. The postoffices of Mexico and Vera Cruz were incorporated with this service. Domingo Antonio López was given charge of the land route to Mexico, with instructions to establish intermediate offices. All other postal service in New Spain reof dispensations (*bulas de la Santa Cruzada*), salaries of church positions which reverted to the crown in case of vacancies (*vacantes*), the half annats and *mesadas* of ecclesiastics, church tithes, and fines and confiscations from court processes.

Sale of dispensations was extended to the American possessions of Spain by Pope Gregory XIII in a brief of September 5, 1578; dispensations were sold every year in Spain, but every two years in New Spain.

Supervision of this rent was intrusted conjointly to a subdelegate (*comisario subdelegado*) of the ecclesiastical *cabildo*, to an assessor who was senior judge of the criminal chamber and to the civil fiscal of the audiencia.[125]

When Gálvez came to New Spain, collection of revenue from sale of dispensations was leased to contractors. The amount paid for collection was usually fourteen per cent of receipts, but in Durango it was twenty per cent. The instructions to the visitor

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mained for the time being in the hands of those who had purchased their places. Prieto was loath to give up his monopoly. Finally, in spite of his delays, the position was taken from him on December 21, 1765, he being allowed five and one-half per cent on the purchase price he had paid, until April, 1769, when he was repaid the principal. After July 1, 1766, the mails were administered by crown officers, and they were paid from real hacienda for their services. To meet expenses, the franking privilege hitherto enjoyed by court and treasury officials was abolished. The postal service was extended to the chief towns only, many large provinces being left unserved, but, as official mail paid postage, it was possible to extend the routes to the chief provincial centers. By the end of the century the postal service extended throughout the entire length of the American possessions (Humboldt, I, 7).

The postal service was administered through the general superintendent of mails in Madrid, and the proceeds of the revenue were sent direct to him (the minister of state was the superintendent). By 1769 the postal revenue in New Spain was 80,000 pesos. Due to extensions of the service, and to increased use as the country became more prosperous, the rent increased so that every monthly mail ship in the time of Revillagigedo carried to Spain about 30,000 pesos. The produce between 1765 and 1777 was 1,006,054 pesos; between 1778 and 1790 it was 2,420,426 pesos (Humboldt, IV, 214; Revillagigedo, arts. 1216-17; Gálvez, *Informe General*, 54). For an account of the incorporation of the entire postal service of the Americas to the crown see Ferrer del Río, *Historia del Reinado de Carlos III en España*, I, 461-3.

[125] *Recopilación*, ley 1, tít. 20, lib. 1. See also the remaining 26 leyes of the título, all referring to dispensations.

were to reduce these premiums as rapidly as possible, and to shorten the time allowed to contractors in which to make their payments. Accordingly, when in 1767 the existing contracts expired, he put the branch under administration.[126] The result, in the archbishopric of Mexico, was to double the income in two years' time. This was accomplished by giving the collection into the hands of the parish priests and paying them five per cent for collections. Such a plan had been proposed at an earlier date, but was rejected because it was thought that it would have a tendency to make the parish priests force dispensations upon their parishioners whether or not, a practice contrary to law. Gálvez was not greatly concerned over this danger, though he admitted it; his characteristic statement was that the dispensations would serve to better purpose if sold by the priests, for they were bought for the most part by people who could not distinguish them from stamped paper if they bought them from laymen.

During the government of Revillagigedo, dispensations were sold in Mexico at the house of the treasurer of this revenue. Elsewhere they were sold by the tobacco administrators. They varied in price from two reals to ten pesos. Management of the revenue was put into the hands of the treasury officials of Mexico; this arrangement was changed by the ordinance of the intendants, under which the contentious jurisdiction over the dispensation revenue was joined to the superintendency of real hacienda, being thus taken from the treasury officials. The latter had then only the duty of sending out the dispensations to the provincial treasurers, and of receiving those which were left unsold. Care of the finances was reposed with the *tribunal de cuentas*.[127]

In 1766–67 sales of dispensations under the last lease produced 270,489 pesos. In the next two years the increase of revenue under administration added over 100,000 pesos, exclusive of the returns from Durango and Mérida, figures for which the visitor did not have.[128] Returns from dispensations were fluctuating. From 1765 to 1771, receipts were 1,358,987 pesos. From 1772 to 1778 they were 2,779,174 pesos, and from 1779 to 1789, 2,493,259 pesos. In this period the lowest receipt was that of 1779, being 132,883 pesos; the highest was in 1786, when it was 416,883 pesos. Humboldt estimated it at 250,000 pesos for 1789.[129]

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[126] See above, p. 262.

[127] Revillagigedo, arts. 1188–1195.

The revenue from *vacantes* was variable, depending on the number of deaths among the clergy; in 1785–89 it yielded annually 137,000 pesos, while in the period 1788–92 the returns were only 93,329 pesos. The income was devoted to pious purposes within the viceroyalty.[130]

The *mesada* was an early revenue in New Spain, having been initiated in 1638. It was the exaction of one-twelfth of the salary and other emoluments of clericals. It was exacted once in five years, unless a religious moved to a new post within that time, from the lesser church officers, i.e., those who were paid salaries of less than 413 pesos.[131]

The ecclesiastical half annat was added to the exactions from the clergy in 1744; it was, like the secular half annat, half of one year's salary. Philip VI and Charles III suspended the collection of the *mesada*, but the latter monarch reimposed it in 1777. During the reign of Charles IV it was again suspended. From 1765 to 1769 the revenue from these sources was 17,606 pesos annually. It advanced rather unsteadily, the average for the period 1785–89 being 65,000 pesos. In 1788–92 only 30,745 pesos were received. Gálvez was particularly urgent in his recommendation to Bucarely that collections of taxes from clericals should be more carefully attended to, as arrears in church revenues were notorious.[132]

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[128] Gálvez, *Informe General*, 125–27, Docs. 27, 28.

[129] *Political Essay*, IV, 214; Fonseca and Urrutia, III, 263–337; Maniau, *Compendio, 3a parte*, 32–38.

[130] Fonseca and Urrutia, I, xxxiii; Gálvez, *Informe General*, 122–24; Maniau, *Compendio, 3a parte*, 41–44.

[131] Revillagigedo, art. 1251.

The product of this revenue was sent to Spain, together with eighteen per cent on the salaries of religious who were sent to New Spain, to pay for their transportation. It was expended for war costs, in sending missions to America, and for other purposes, mostly of a pious nature.[133]

Deposit of the tithes (*diezmos*) with the treasury officers occurred in localities where the church income was not sufficient to support the local ecclesiastical establishment, instead of giving it direct to the church *cabildos*. The running expenses of each such church were then paid from the royal treasury. Collections of the tithes in this manner amounted to 55,377 pesos per annum in the quinquennium 1785–89; in 1788–92, 51,876 pesos were received.[134]

Revenues from court fines and expenses of justice (*penas de cámara y gastos de justicia*) were derived from fines imposed; they were divided between the two headings (fines, and expenses) in the ratio of one for the former to two of the latter. The small amounts credited to these sources is remarkable, but is not explained by the authorities cited. In 1765 the revenues amounted to eight pesos; in 1767 the receipts were eighteen pesos. For six succeeding years there was nothing credited to this fund, a situation repeated in 1775 and in 1778–80. In twenty-five years, 1765–90, the total receipts were 42,236 pesos. From 1785 to 1789 the average receipts were 6692 pesos; Revillagigedo names 2400 pesos as the income; as there could naturally be no expectation of regular receipts, no special destination was indicated for them.[135]

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[132] Gálvez, *Informe General*, 122–4; Fonseca and Urrutia, III, 190–235; Maniau, *Compendio, 3a parte*, 45–48.

[133] Fonseca and Urrutia, I, xxxiii.

[134] Fonseca and Urrutia, III, 171; Maniau, *Compendio, 3a parte*, 39–40.

The five revenues of this group produced in the quinquennium 1785–89 a total of 2,652,130 pesos. Only one of them had charges for administration, that of dispensations. Thus the net proceeds were 2,583,106 pesos, of which amount 555,320 pesos were sent to Spain.[136]

31. *Special funds under treasury protection.*—The last group of funds, of which account was kept on the books of the royal treasury but not in actuality belonging to that institution, was called *ramos agenos,* that is, non-appurtenant branches.[137] They were accorded the protection of the treasury because their uses were especially worthy, being in conformity with the purposes of the paternal attitude of the monarchs. These special funds were: judicial and extra-judicial deposits; estates of deceased employees of the government; funds of several insurance associations (*montepíos*) among government employees; the California Pious Fund; estates of deceased ecclesiastics; estates of Indian communes; revenues of four per cent from Spaniards and two per cent from Indians for the municipal treasury of Mexico (basis of computation not named); the Indian hospital fund; the fund for native courts; funds for expenses of justice; those for halls of justice; those for repair of the palace; the Vera Cruz wharf fund; the Huehuetoca canal fund; bridge tolls; seigniorage for the miners' court; the fund for extinction of prohibited beverages; revenue from *pulque* for the dungeons of *La Acordada;* similar revenues for street work; the tax on *mezcal* (a distilled liquor) and on herbs for the water-works of Guadalajara; the tax on cacao for military uniforms and barracks; soldiers' pensions; loans to the treasury; the ransom fund; the

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[135] *Instrucción Reservada,* art. 1300; Fonseca and Urrutia, I, p. xxxiv; Maniau, *Compendio, 3a parte,* 52–57.

[136] Fonseca and Urrutia, I, table 4, following p. xxxviii.

[137] These funds are described briefly in Maniau, *Compendio, 4a parte,* 1–122.

national bank fund; cathedral pensions; confiscation of contraband fund for the Council of the Indies; contraband fund for the superintendent of real hacienda; the same fund for private persons (informants); and the special fund of the impost for the district of Tabasco.

These funds, all in existence in 1789, were most of them equal to the demands made upon them. The total deposit amounted to 1,897,128 pesos, and the balance after the necessary disbursements was about 196,000 pesos.

32. *Recapitulation.*—From the above four (or three) groups of funds, the total receipts in 1789 were 20,075,261 pesos, of which 13,884,336 pesos were accounted net.

The growth of the public revenues of New Spain during the eighteenth century was due to a number of causes. The exhibit of the figures which represent that growth is interesting.[188]

	Pesos
In 1712 the revenues, exclusive of quicksilver, amounted to	3,078,410
From 1756 to 1760 the average product was, exclusive of tobacco,	6,310,985
From 1761 to 1765 the average product was, exclusive of tobacco,	6,074,147
From 1766 to 1770 the average product was, exclusive of tobacco,	6,831,195
From 1763 to 1767 the average product was, including all sources,	6,169,964
From 1767 to 1769 the average product was, including all sources,	8,000,000
From 1773 to 1776 the average product was, including all sources,	12,000,000
From 1777 to 1779 the average product was, including all sources,	14,500,000
From 1780 to 1784 the average product was, including all sources,	13,176,479
From 1785 to 1789 the average product was, including all sources,	18,310,400
In 1791 the average product was	18,236,000
In 1792 the average product was	19,521,689
In 1802 the average product was	20,200,000

Among the causes of this increase must be reckoned the increase in population, which, unfortunately, cannot be accurately ascertained, the increase in prosperity due to lowered rates on quicksilver, with attendant increase of metallic output, and, probably more than to any other one cause, the adoption of the policy of "free commerce." The more rigid enforcement of the laws governing collections of revenues, the changes from lease to administration of the revenues, the establishment of the tobacco monopoly, and the elimination in some degree of such dishonest practices as were shown in an earlier chapter to have prevailed at Vera Cruz, must all be considered as concomitant factors in the apparent prosperity of the closing years of the eighteenth century in New Spain.

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[188] Gálvez, *Informe General*, 60–1, and Doc. 8; Revillagigedo, arts. 741, 750–751; Humboldt, IV, 207–8.

It is to be observed that the comparative freedom of commerce extended to the colonies by the Reglamento of 1778 was at first withheld from New Spain and Venezuela, for the great *Pragmática* was withal a timorous measure, imbued with that conservative policy which characterized all of Charles Third's benevolent reforms. To these richest of the colonies he dared not yet concede their full share of liberalized trade, lest the revenue of the state should prove inadequate. At first, New Spain was permitted only to import in the annual quicksilver ship the produce and manufactures of Spain, with the reductions or exemptions from duty provided in the Reglamento. After this opening wedge in the monopoly of Cadiz and Vera Cruz merchants, the steps were gradual, until by royal decree of February 28, 1789, the full privileges of free commerce were extended to all the colonies without distinction.[139]

Contemporary opinion in New Spain as to the beneficial results of free commerce was divided naturally upon the lines of self-interest. The most of the old merchants were quite likely to revert with regret to the old epoch of restrictions, in which they had acquired fortunes, and to lament the decadence into which business had fallen. Indeed, while the period between 1780 and the end of the century was the most prosperous epoch of commerce, there were numerous bankruptcies, due to the inability of the merchants to break from the forms of the old system. Under the system of freedom of movement of vessels, it required foresight and acumen to make the proper kind of importations at the right time; it had only been necessary, on the old basis, to import infrequently enough, and the high prices would naturally follow. There arose, as a result of the change, a new class of merchants, who, investing smaller sums, were content with smaller profits. As their number increased, moderate wealth was more widely distributed, instead of large wealth being concentrated in the hands of the few. The older merchants, no longer content with commerce, entered agriculture and mining, and as a result these sources of wealth were greatly benefited. This prosperity was demonstrated by an increase in the tithes, as between the periods of 1769–79 and 1779–89, of 4,996,664 pesos. Similar increases in the prosperity of mining and commerce showed in the receipts of the duties on precious metals and in the *alcabala*.

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[139] Macedo, *Tres Monografías*, I, *La Evolución Mercantil*, 24.

The welfare of the interior of Mexico was aided by the fact that under the liberal commercial policy the inland merchants were able to buy directly at Vera Cruz, instead of at Jalapa or Mexico. They thus saved reshipment expenses, and the six per cent *alcabala* at Mexico. Freights, commissions, and delays of the fleets were eliminated or lowered, so that prices could be reduced, while the revenues grew by added importations.[140]

But the increase of revenues is a misleading criterion of the financial adequacy of the system. In 1716, the viceroy Linares found himself greatly perplexed by his duties toward real hacienda. Every year there were lacking 800,000 pesos needed to complete the appropriations for presidios, missions, the coast-guard fleet, and other expenses. The king had commanded him to send one million pesos to Spain each year, and to pay certain other arrears and interests. He was, he said, in the position of a receiver or administrator for a bankrupt institution, which required his attention as would the estate of a bankrupt merchant. Pleading to be informed which of the pressing needs of the crown should be first met with available resources, he got no reply, and expressed the opinion that to meet the obligations of the government, it would be necessary to send money from Spain.[141]

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[140] *El Viagero Universal*, Tomo 27 (Madrid, 1799), 6–16; Floridablanca, *Apology*, art. 27, in Coxe, *Memoirs of the Kings of Spain of the House of Bourbon*, V, 313–315.

This condition was ameliorated as the years passed, but was always threatening. When Gálvez was in America, the receipts were barely equal to the needs of the viceroyalty.[142] In 1788, the government of New Spain, with all its increased revenues, was in arrears about one million pesos, and in 1790–91, in spite of the fact that Revillagigedo had satisfied himself that not much greater revenues could be obtained under the existing system, the demand from Spain was for still more money, if it could be obtained without adding new burdens.[143]

The comment of this great viceroy, able statesman, and, for his day and country, wise economist, upon the system of real hacienda, in the development of which his name and that of Gálvez are linked as the most able men of the viceroyalty, is of particular interest.

> From the account which I have just given of the various branches which compose real hacienda, the multitude of these is made sufficiently evident, as also is the difficulty of attending to them all individually and collectively, avoiding complication and confusion in their management, which should be carried on with the greatest clearness and order.
>
> It is impossible for the taxpayer to have knowledge of every one of the contributions, to know clearly what he ought to pay, and how and why he ought to do so. Such ignorance makes payment more difficult, even among the better class of vassals, who are incapable of defrauding the royal treasury, being quite convinced that they have the obligation of bearing the expenses of the crown, including the maintenance of troops for its defence, and the salaries of those who are employed in upholding the proper administration of justice. To such vassals, the arbitrary methods of subordinates under a multitude of complicated rules,

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[141] *Instrucción dada por . . . Linares*, in *Instrucciones que los Vireyes de Nueva España dejaron a sus Sucesores*, 311–2.

[142] *Informe General*, 62.

[143] *Instrucción Reservada*, art. 752.

added to the unjust or improper manner in which subordinates are wont to conduct themselves, are for this reason alone repugnant.

All this is extremely difficult to remedy when there are so many exactions, some of them so complicated and so difficult to determine that their collection has to be left to the discrimination of the collector.

It would therefore be desirable to decrease considerably the number of the revenues, although it might have to be done at the expense of increasing the principal ones in order to indemnify thus the loss to the treasury from the suppression of the lesser rents.

It would also be desirable to make uniform the names of the exactions which, being one and the same thing, have different names in different ports, as for instance the *anclage* in Vera Cruz, which is known as the *buques* in Campeche.

It would also be fitting to abolish certain duties which, although for distinct reasons and under different names, are assessed at one and the same time for a single act, as for example, for the introduction of goods there are to be paid the *almojarifazgo*, the *alcabala de mar*, the *fortificación*, the *avería* and the *armada*. It is very hard for the payer to inform himself as to how and when he ought to satisfy each of these duties; it is an added difficulty to regulate them all, and keep for each one its duly separate account.

It would be much easier if all duties were united and collected under the name of duties of introduction, and if they had a fixed and certain quota, which should vary only according to the class of goods and products. This arrangement and distinction is very essential for the development of stock-raising, farming, mining, and national manufactures, whereby, as far as may be possible, the progress of foreign nations may be restrained.

It is also essential that all exactions should be at a certain percentage, and not by bales, bundles, barrels, or whatever the package may be, so as to prevent a quantity of cheap goods from paying as much as another of greater value which has the same bulk or is similarly packed. The collection and payment of the entry duties thus regulated would be much facilitated, if there were not the reductions of different kinds of coin and the increase of prices which now occur in Vera Cruz in reference to imports from Spain. It would be much more simple and just to estimate them upon their arrival according to their face value at those places, in current coin of the country, and collect in that medium the percentage due according to the kind of goods.

Of the articles monopolized, there are few in which private persons would not make more profit than does the King. The public would also be better served, and some vassals who might engage in production of goods now monopolized would be better disposed to contribute to his Majesty a large part of what they now pay for those goods. I even

> believe it would be reciprocally advantageous if the duties which the King now collects on such goods as leather, lead, tin and alum were completely removed, because many persons would devote themselves to their production if they were entirely duty-free. This belief is warranted from the increased production which has followed the gradual relaxation of the strictness with which they were at first monopolized.
>
> This would not be true . . . in the tobacco revenue, for it would be very hard to substitute any other measures which would produce so much revenue. As to quicksilver . . . and gunpowder, there are also political reasons why [they] . . . should remain in the hands of the government, and the simplicity of salt manufacture makes it fitting that, in case any product need be monopolized, this should have the preference, both for the above reason and because its widespread use diffuses and equalizes the contribution; this condition does not prevail with regard to snow, yet the reflections which I have made concerning this revenue obtain in favor of its monopolization. With reference to playing-cards, it is enough that they are of so little necessity and so often prejudicial to make it no grievous burden that their manufacture and sale should not be free.
>
> Nevertheless, if it were possible to suppress the greater part of these monopolies or combine them with other assets of the treasury in such a way that there would be no deficit, it would be very beneficial to all the public, especially in the branches of salt and gunpowder, which have in this kingdom a use very distinct from that in which they are employed in Europe, for they are instruments and means necessary for the extraction and separation of metals, the chief occupation of this country.[144]

33. *Conclusion.*—The obvious conclusion from the study of the labors of Gálvez in America is that his reforms contained no fundamental change in the operation of the fiscal machinery. There was no startling departure from established procedure and mode of thought. There was simply an enforcement of more rigid adherence to the paramount interest of the mother country in the productive wealth of New Spain. The burden of the upkeep of the empire was more firmly yoked upon the neck of the most prosperous colony, with all the trammels upon business, all the minutiae of careful watching and zealous conservation of the royal interests that ingenuity could suggest or experience dictate.

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[144] *Instrucción Reservada*, arts. 218–24.

Yet this was not enough. While the reforms increased revenues, the machinery for their collection increased expenses in undue proportion, and the growing necessity for colonial defense added to the burden. It was not that the levies were unduly heavy in actual amounts raised, but that the machinery was costly and unwieldy, so that the net returns were disproportionate to the effort involved. Freedom of commerce increased business, reducing prices and redistributing wealth, but the control of foreigners over trade was only slightly reduced, if at all. Prolonged wars demanded revenues which could not be produced under the lowered duties, and a speedy return to higher levies ensued. The ordinance of the intendants provided reforms which tended to the exaction of the uttermost farthing of revenue, but these reforms were tardily, uncertainly, and irregularly applied. The very reforms themselves prevented the autonomous self-expression of the Mexican people by denying them, more pervasively than hitherto, share in local or general government.

The centralization of administration of revenues, the rigid enforcement of monopoly regulations, warfare against smuggling, and the fostering of Spanish manufacture and carrying trade had, when Revillagigedo expressed the above quoted opinion, brought about all the increase of government wealth of which the system was capable. Probably the suggestions of the viceroy for simplification of methods of collection, liberalization of the monopolistic ideal, and uniformity of the coinage systems of Spain and New Spain would have tended to still greater returns.

But when these ideas were expressed, the hands that had guided affairs in the Spanish empire during the reign of Charles III were no longer in control. With Charles III, Floridablanca, and Gálvez gone, there came into power under Charles IV the queen's favorite Godoy, and Revillagigedo was succeeded by Branciforte, Godoy's brother-in-law. The renascence initiated early in the century and brought to its apogee under Charles III had begun to decline even before that monarch closed his reign, and now for New Spain the end of prosperity and development had come. When in 1810 the *grito de Dolores* was raised, the commerce, mining, agriculture, and the public revenues were all in practically the flourishing condition which has been described. Before two years were gone, business took to new and illegitimate channels, all the sources of income had begun to depreciate, and general bankruptcy ensued. By 1816 the total revenues had fallen to 2,726,198 pesos, a figure above which it had not risen when the revolution came to an end with independence in 1821. It was not until 1847–52 that the annual revenues of Mexico had risen to 6,477,000 pesos, about the figure of the receipts of the time of José de Gálvez.[145]

The renascence of Spain in the eighteenth century was due to the French influence throughout. It reached its culmination under Charles III, among whose most efficient ministers was the man whose name is inseparable from the subject of fiscal administration of the Spanish-American colonies. The remarkable increase in receipts of the funds needed to work out the imperial ideas of his royal master was due to the vigorous and efficient methods employed by José de Gálvez. It was the irony of fate that the prosperity he helped to bring was destroyed by the political course of the same nation to which it owed its inception—France. The Revolution in France began the work of disintegration in Spain which was finished by Napoleon. The potent influence of that same Revolution was a decisive factor in the spread of ideas of independence in the New World, irrespective of the revolt that would have come in time with the growth of exasperation at the colonial policy which denied to American Spaniards adequate participation in the control of government. It was to forefend what actually came to pass that the energies of Charles III and his ministers were bent; though with what mistaken steps the judgment of today is gratuitous.

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[145] Macedo, 365–9; Morán y Crivelli, 17.

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APPENDIX

INSTRUCTIONS TO JOSÉ DE GÁLVEZ

I

INSTRUCTION RESERVADA, MARCH 14, 1765[1]

THE KING: Don Joseph Galvez, of my Council, *Alcalde de mi Casa y Corte,* and honorary minister with seniority of the Council of the Indies; notwithstanding that I am well satisfied with the zeal, activity, prudence, and disinterest with which the branches and revenues of my royal patrimony are managed by my viceroy of New Spain and by the ministers of my real hacienda, the governors, and other subordinates who serve under their orders, it being necessary, on account of the large sums needed in attending to the obligations of my royal crown, to exhaust all means which may appear conducive to increasing as much as possible the income from the revenues to the end that the burden of imposing new contributions may be avoided, and to collect all legitimate duties as legally provided without altering established practice or dispensing voluntary favors, and to prevent abuses and all superfluous expenses not absolutely indispensable for the best administration of the revenues:

I have deemed it convenient to my royal service to name you, Don Joseph Galvez—a minister in whom I have entire satisfaction and confidence, able, zealous, and skilled in the management of revenues—that you may, in the capacity of visitor-general of all the branches, revenues, and duties, which in any form appertain to my real hacienda within the jurisdiction of the kingdom of New Spain, take cognizance of all of them, examine their proceeds, expenses, balances, and the whereabouts of their funds; demand any arrears in which the administrators, treasurers, lessees of revenues, or other persons who have managed rents, may be to my real hacienda; and regulate the system and management with which the revenues are to be administered in future, reducing expenses and salaries which can and ought to be lowered or abolished, so that the balances be not dissipated by unnecessary expense, but made more effective to their destined ends.

I grant you for all this, and for all that is to be expressed, the powers and jurisdiction which you need to give your commission entire fulfillment. To this end I desire that my viceroy and captain-general of New Spain shall take all measures which you ask and give you the assistance you need; and on your part, you will see to the punctual fulfillment of the following articles:

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[1] A. G. I., 136-5-3.

I. As soon as you arrive at Vera Cruz you will forward the despatches which you carry for the viceroy, in which he is advised of your commission, that he may in consequence thereof issue the corresponding orders to the tribunals, ministers, officers, and servants of the revenues and other rents pertaining to my royal patrimony, in order that they may recognize you as such visitor-general and give you all information and documents which you require for the discharge of your duty, and may govern themselves in conformity with such dispositions as you may make. As soon as you receive the orders from the viceroy you will begin to exercise your functions in Vera Cruz; when you have finished there, you will proceed to Mexico to continue your duties, acting always in the utmost harmony with my viceroy.

II. In Vera Cruz you will inform yourself in minute detail what custom-houses there are for the examination of goods which come in single ships [i.e., not in the fleet], and what duties they pay; with what formalities their cargoes are registered; whether the duties are collected according to tariff schedules, on the bills of lading, or upon appraisal; whether these duties are managed in conformity with royal orders; whether the rules under which they are managed conform to that wise administration which should be found in them; whether there is a proper system of accounting; whether *guías* are given with the clearness and distinctiveness necessary for the safe transportation of goods; whether the goods are marked [*si se marchaman*], so that it shall be evident wherever they are found that they have passed through the custom-house, thus eliminating the frauds which might be committed if marking were not enforced; whether there are custom-houses of counter-register, and whether proper examinations are made in them to prevent smuggling; and whether such precautions are taken both by land and by sea as are necessary to the security of my royal revenues.

In all that you find proper, you will make no change; but in all that you find demanding it, you will make correction, giving rules and instructions by which the custom-houses are in future to be governed, to the end that, without injury to commerce, the greatest income may be derived through the correction of all abuses which may have grown up in the management of the revenues. It is understood, however, that if any measure be deemed necessary which changes the practice established by earlier orders, you shall not take such measure yourself, but refer it to the viceroy, to whom you shall make manifest the reasons which justify it.

III. Since Vera Cruz is the point through which all the commerce of New Spain must pass, it is indispensable that you take as many precautions as you think necessary to prevent introduction of goods brought in single ships without passing through the custom-house established, where they must be marked so that, with the *marchamo* and the proper *guía* they may be lawfully introduced, and all goods not so formally marked may be confiscated as having been smuggled.

IV. Goods, effects, and products which go in the fleet demand a different inspection; for, although they are discharged in Vera Cruz, no duties are levied on them in those custom-houses, nor do their variety and other characteristics permit their formal inspection. You must therefore observe with care whether the bales, packages, parcels, boxes, barrels, and bundles conform with the entries made at Cadiz and have the same measures, marks, and addresses. If you find they do so correspond, you will consider your examination complete. But if you find bales, packages, parcels, etc., which are not included in the entries, these must be taken to the custom-house to be examined, and the goods, products, and effects which they contain must be confiscated as having been embarked at Cadiz without payment of the duties required by law.

V. As the goods brought by the fleet are carried to the Jalapa fair, it is fitting that you take note of the regulations observed in their transportation, the form and circumstances under which the fair is held, with what safeguards against damage and fraud the goods bought there are transported to the various destinations to which their owners send them, and in what manner the duties are guaranteed on goods which remain at Jalapa unsold. If you find that the established regulations prevent all fraud, and offer security to the owners for transporting their goods, you will make no changes, but if you find the regulations insufficient, and that others, entailing inconsiderable disturbance to commerce, ought to be established whereby both these ends may be secured, you will make note of them, and, as soon as you arrive at Mexico, you will suggest them to the viceroy in order that he may issue suitable orders for putting such regulations at once into operation.

VI. In Vera Cruz, as well as in the entire viceroyalty of New Spain, you will take cognizance of all the branches and revenues which appertain to my real hacienda. They are: the *salinas*, *tercias* [*novenos*], *naipes*, *alumbres*, *minas*, *fiesta de gallos*, *cordobanes*, *buceos de perlas*, *nieve*, *pulques*, *tributos de las parcialidades*, *bulas*, *papel sellado*, *alcabala*, *servicio real de los Indios*, *lanzas* and *medias anatas*, with all other duties and imposts which in any manner or form belong to my real hacienda.[2] You will, without the slightest exception, examine them branch by branch, discover their origin, see whether the collections conform with what is prescribed, how and by whom they are managed and under what rules, what incomes they produce, what expenses they carry and whether these are legitimate or ought to be abolished, how much net proceeds remain to my real hacienda, and whether such proceeds have been placed in treasuries as they should be.

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[2] As most of the terms used in the list herewith given are incapable of adequate translation in the brief form suitable for simple enumeration, the original Spanish word is retained for each of them. They have all been fully described in the body of the preceding text. See particularly Chapter X.

VII. If the collections in each kind or branch of revenue do not correspond to what is prescribed, you will ascertain the cause; if you find in the collections a continuous, uniform practice among all taxpayers whereby the existing system has come to have the sanction of custom, you will make no changes; but if you find that discrepancy has arisen from abuses which are not to be tolerated, and that equality is not observed, some persons being excused from payments which are required from others, you will see to it that the duties are collected in conformity with the orders under which the specific branch was created.

VIII. You will ascertain by whom and under what rules each branch is administered; and if you recognize that the persons in charge of it have performed their duties with zeal and integrity, you will commend them to so continue; but if you find, and it is proven, that they have been remiss in their duties and have not merited the confidence reposed in them in matters of importance, to the detriment of my real hacienda, you will remove them from their employment and put others in their stead who will serve me with zeal and in a proper manner.

IX. If you find that the rules and instructions under which each branch is managed and controlled are suited to its best administration and conservation, and with the proper accounting and order which should exist in it, you will see that these rules are strictly observed; but if you find that they are not such as are calculated to attain the proper end, you will form others to be in future observed in the management of the branch, whereby the collection of the lawful duties shall be assured, frauds prevented, and the accounting so arranged that malversation is prevented.

X. You will examine the subordinate employees who are assigned to administration and accounting in each branch, and if there are only those who are indispensable, you will make no changes; but if you find that their number is excessive, or that there are some employees who ought to be removed, you will leave only those who may be necessary for the good of the service, suppressing such positions and employments as are superfluous; if the incumbents have performed their duties satisfactorily, you will remember their merits and appoint them to other positions where there may be need, in which they may be useful to my service.

XI. You will examine the income of each branch, and ascertain whether it corresponds to the impost; if so, you will make no changes; but if they do not correspond, you will discover the reason for the diminution and take measures suitable for increasing the revenue as much as possible, whether it be leased to contractors or administered by crown officers.

XII. You will endeavor to inform yourself minutely concerning the running expenses of each branch, and whether there is any overloading;

if you find expenses normal you will allow them to continue, but if they are excessive you will reduce them to what is indispensable, and remove any overloading which may consume my royal revenues.

XIII. You will obtain information as to what net proceeds of any branch are credited to my real hacienda, and whether they have been properly placed in treasuries, and you will see that any funds undeposited shall at once be deposited.

XIV. If any administrators or other subordinates who may have managed my revenues and funds shall not have given an account of their office, you will cause them to do so promptly and satisfactorily, seeing that the balances which they acknowledge are placed at once in my treasuries, and when their accounts are closed, they shall do the same with any other balances which may be apparent.

XV. The greater part of the revenues which belong to me in New Spain being leased, you will examine the contract of each one, to ascertain its conditions, prices, and terms of payment, and whether the lessees have fulfilled the terms of their obligations.

XVI. If the conditions are not suitable to the character of the revenues, you will make other just ones adapted to facilitating lawful collection without extortion (giving for this purpose the necessary assistance to lessees of revenues), so that future awards of revenue contracts may be governed thereby; but you will make no change in existing contracts unless they contain grievous, irritating conditions (if such conditions exist you will correct them), or unless the contracts have been plainly broken (in which case they ought to be discontinued), or unless they were not made with legal formality, having been arranged for by extension of previous contracts or by other means without having been offered at public auction, as they should be and as the law provides. If any contracts have this defect, they ought to be terminated if any prejudice to my real hacienda results from them, although in these points you will proceed after hearing the parties to the contracts, so that you may decide equitably and according to law.

XVII. It is essential that lessees of revenues be obliged to render account of the income from the revenue or branch which is under their care, and though these accounts are usually rendered in a faulty manner, yet by means of them and through other information which you may obtain you will be able to form a judgment as to whether the price of the contract is proportionate to the income which the revenue ought to produce if properly administered by crown officers; such knowledge being obtained, whenever a contract expires, it shall not be let again unless the price is just, considering the proper gain which the lessee ought to make to repay him for his risk in the investment of his capital to obtain the contract, and for his labor. If you cannot secure such a price, you will arrange to have any such branch administered by my real hacienda, if upon prudent consideration you find that that method would be more profitable than leasing the revenue.

XVIII. You will ascertain whether lessees of revenues have deposited the payments for their contracts in the treasury at the stipulated times; if they have not complied with this obligation, you will see that they do comply without delay, and that they are prompt in succeeding payments; in default thereof, you will attach [*poner intervencion en*] the revenue which is at their charge and risk, in order to secure my real hacienda; for whatever arrears and deficits they may be chargeable, you will proceed against their estates and those of their securities, according to law.

XIX. The revenue of *alcabalas* is collected in New Spain at the rate of six per cent; it is leased by *villas* and *partidos*, and it is necessary that you examine carefully the manner, the cases, and the circumstances in which it is levied, and the increase which, judging by the volume of business in the various sections, it may be made to yield either by regular lease of the revenue or by crown administration if there are no bidders to offer a just price, or by inducing the towns to take the collection under their care at an equitable figure, so that they may bear a share in the expenses of administration, which would otherwise be borne by the crown.

XX. The [condition of] the revenue from salt renders it desirable that you investigate the salt works and the duties on salt consumed [*consumos*] to ascertain whether the income derived from them is proportionate [to the production]; you will ascertain whether the concession, under licenses, to various towns to work their salt deposits, as a necessity to their existence, is, through abuses, prejudicial to my real hacienda; you will also determine what measures ought to be taken so that, if the privilege is continued to those towns, any fraud which may exist shall be stopped.

XXI. The *tercias* or *novenos* which belong to my real hacienda ought to constitute a branch of much importance; by the latest contracts they produce very little. You will therefore endeavor to obtain an exact statement of what the tithes amount to within the confines of the several archbishoprics, bishoprics, and abbacies, in order to proceed with leasing or administering the tithes with full knowledge of what this branch can produce in a quinquennium.

XXII. The manufacture of powder is also leased. The scarcity of that article and its high price demand especial consideration, so that due care of the revenue may be taken by promoting as much as possible the gathering of saltpetre and the manufacture of powder, and that the supply shall equal the demand and the public be supplied as economically as may be. To this end you will ascertain how many quintals of powder are manufactured, and how much it would be possible to manufacture, judging from the amount of saltpetre which can be obtained; what amount of powder is needed for my service; the quality and price of that which is furnished to me; how many quintals are sold to the public, and at what price they are sold in the monopolies. These particulars you will ascertain, so that you may form a judgment as to whether this revenue, if well safeguarded and governmentally administered, would not yield a larger income than at present.

XXIII. The privilege of manufacturing playing-cards is also leased, and it is necessary that you inform yourself minutely concerning the management of this monopoly, determining the cost to the lessee of each pack of cards according to the various qualities thereof, the number of packs consumed, and the prices at which they are sold, so that you may estimate the revenue which ought to be derived from this source.

XXIV. The revenue or duty on snow is generally leased; it is necessary that you ascertain the cost of collecting and storing snow, what quantity is consumed, and at what prices it is sold, in order that you may learn what annual income ought to be yielded either by administration or lease.

XXV. The branch of *pulques* is of the greatest importance, and therefore demands that you pay particular attention to it to ascertain the quantity consumed in each town and to increase the revenue as much as possible either by administering or leasing it.

XXVI. Sales of dispensations under the bulls of the Santa Cruzada are also awarded by contract under excessively disproportionate premiums, and the payment and accounting for those that are sold are made at very long intervals; therefore, in order that this [pontificial] grace may prove more serviceable to the holy ends to which it is directed, you will endeavor to reduce the premiums and shorten the intervals of payment and accounting, at the same time examining the method of collecting the superfluous dispensations, so that you may prevent the customary frauds which characterize their collection; however, in this matter, and in that of the publication of the bull, you will proceed entirely in accord with the subdelegates of the Cruzada, so as not to come into conflict with the powers which these officers exercise.

XXVII. In all the other branches, the *minas de plata, cobre, alumbres,* the *fiestas de gallos, cordobanes, buceos de perlas, servicio real de los Indios, lanzas, medias anatas, papel sellado,* and whatever others may belong to my real hacienda, you will take cognizance of their actual gross receipts, and of the greatest income which they may be made to produce, according to their quality and character if managed by rules which you deem adapted to their best administration and conservation. At the same time you will ascertain whether there are defalcations in any of these branches; if so, you will see to their proper redintegration.

XXVIII. It being impossible for you to examine personally the management of all the revenues throughout the vast regions which lie within your commission, I grant you authority to name visitors who, as your substitutes under the orders, rules, and instructions which you may give them, shall examine the condition and management of the revenues in the various localities to which you may send them. These visitors shall give you punctual account of whatever may be conducive to the better administration of the revenues, and of whatever deficits may exist in them, so that, in view of their reports, you may give whatever orders you consider proper to render my service conformable to my royal purpose.

XXIX. In all judicial affairs concerning the general visitation of the branches of the revenues and the royal incomes you will act as a *ministro togado y de justicia,* with the independence, reservation of authority and exclusive jurisdiction which, under the laws of the Indies, belong to the nature of your commission, by virtue of which your decisions cannot be challenged. If appeal is taken from your definitive judgments in those cases and within such periods as you must legally concede, you will bring them before my person, in conformity with the orders which have been promulgated for affairs of real hacienda.

XXX. You will take cognizance of the *propios y arbitrios* of the towns, and, in conformity with my merciful and just purposes, which are explained in the *Instruccion* given for the management of those taxes in Spain, you will see that an accounting is made of them, that expenses are regulated, superfluous ones being eliminated, and that the residues are applied to the reduction of the levies, so that there shall be no malversation of these public funds, which is injurious to my vassals.

XXXI. By reason of the satisfaction which I have in your judgment and prudence, it is my royal will that you ascertain, with the circumspection and maturity of thought demanded, whether it will be useful and conducive to the good of my service and of my vassals to establish one or more intendancies in New Spain on the same model as those of Spain, or with some limitations or amplifications. You will, according to your judgment, in view of the actual circumstances, government, and extent of that empire, represent to me what you deem most conducive to the good of my service and of my people.

XXXII. In order to assure good method, administration, management, and security in all the branches of revenue, and that these may yield all possible increase without injury to my vassals, for the purpose of meeting the growing expenses of New Spain on account of new troops, and other measures which I have taken for the better protection of those dominions, it will be very desirable for you, during such time as you may reside in Mexico, to confer with the viceroy in a junta which you should hold every week concerning the best method of securing the proposed ends and the measures which may be deemed conducive to them; for these measures not being reserved, and having no reference to the visitation, the zeal of my viceroy will be enlisted in their authorization, and he will concur efficaciously in the promotion of my interests and the improvement of my service.

XXXIII. Finally, you must endeavor to proceed in the discharge of your commission in accord and harmony with my viceroy as far as possible, and you will follow similar procedure with those other ministers and subordinates who have performed their duties. And in view of the great confidence which I have in your prudence, uprightness, and fitness in an affair which so intimately concerns my real hacienda and the good of my vassals, I desire, and very especially charge you, that all your measures shall be directed solely to the service of both Majesties, without injury or offence to any one. I do command you that, if in any matter included in your grave duties you think serious difficulty may follow any changes, you will report them to me in detail, that I may in view thereof act according to my pleasure.

Given at El Pardo, March 14, 1765.

I THE KING.

This is a copy of the original.
Don JULIÁN DE ARRIAGA.

II

ROYAL ORDER, MARCH 26, 1765[3]

By reason of the satisfaction which the king has in your zeal, disinterestedness, and intelligence, he has resolved that you shall pass to the kingdom of New Spain as visitor-general of all the royal revenues. To this end his Majesty has deigned to order sent to you the enclosed *Instruccion* signed by his royal hand, in which are contained the Articles which you are to observe in the management of this commission. I am sending it to you that you may, being instructed as to its contents, put into execution all that it contains when you have arrived at that kingdom.

I also enclose to you the cédula in which his Majesty commands the officers of the treasury of Mexico to pay the salaries of yourself and the other employees who go to aid you which he has been pleased to assign. It is also his royal wish that Don Dionisio Azmero, Don Dionisio de Murga, and Don Manuel de Aldama, who are now in that kingdom, having gone thither with Don Francisco de Armona, shall serve with the salaries which are assigned to them in their commissions, as you may find convenient. A lawyer whom Armona took from Cadiz is to be returned to these kingdoms if you do not consider him useful for employment in the duties which may arise.

His Majesty also desires that, although the *comisario de guerra* Don Jacinto Espinosa has gone [to New Spain] and should continue as director of the tobacco revenue, you shall make use of him in other branches of hacienda in which he may be serviceable on account of his intelligence, capability and knowledge. To this end he is given the proper advice in the enclosed order.

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[3] A. G. I., 88-5-20.

The viceroy of that kingdom is advised to treat and confer with you on the matter of forming settlements in the provinces in suitable places with the idle, undesirable people who are in Mexico and other large towns; you will attend to this matter with the zeal and care for which you are so highly esteemed.

His Majesty expects from your prudence and activity that you will devote yourself with the greatest vigor to the punctual fulfillment of his royal purposes, reporting to him by my hand whatever you shall do or may happen in the important affairs which he has confided to your care and which may be worthy of his royal decision. God guard you many years.

Señor Don JOSEPH DE GALVEZ GALLARDO.

The palace, March 26, 1765.
EL BAILIO JULIÁN DE ARRIAGA.

III

COPIES OF THE TWO INSTRUCTIONS WHICH THE COUNCIL ISSUED TO DON JOSEPH DE GALVEZ UNDER DATES OF THE 14TH AND 16TH OF MARCH, 1765[4]

COPY

Instruction which should be observed by Don Joseph Galvez, of the Council of His Majesty, Alcalde de Casa y Corte, and honorary minister with seniority in the Royal and Supreme Council of the Indies, in the general visitation which he is to make of the royal audiencias and tribunals of justice of the kingdoms and provinces of New Spain, in fulfillment of that which his Majesty has been pleased to command by his royal decree of February, 1765.

As soon as he arrives at Vera Cruz, he shall present the royal despatches to the viceroy and the royal audiencia in order that they may be informed of his commission and obey and fulfill the orders; by virtue of these orders he shall publish his general visitation to all the *oidores*, *alcaldes del crimen* of the *real sala*, to the fiscals, and to all the subordinates of both courts.

He shall name a notary of the visitation satisfactory to himself, who shall perform the required notorial duties, assigning him such salary as he shall see fit.

He shall formulate an edict for the publication of the visitation and cause it to be posted in the public places of Mexico and in the rest of the cities and places of the district of that royal audiencia; [to the outlying places] he shall send the edict by couriers, that they may come to the notice of every one.

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[4] The two instructions are taken from copies in A. G. I., 88-5-20.

He shall formulate an interrogatory by which witnesses who may be called shall be questioned. Such witnesses shall be warned that they shall under no pretext disclose their names or their depositions, and that it is not to be a part of their obligation to prove what they may say, but only to tell the truth.

He shall have power to require all the *autos* and papers which he may deem necessary from the notarial archives of the *cámara* and other public offices; these papers shall be delivered to him upon his acknowledgment of their receipt.

He shall oblige all the *ministros togados* of that audiencia [of Mexico] to show whether they have complied with the laws and ordinances to the observance of which they have been sworn ever since their installation in office.

He will inform himself whether they have attended and do attend the daily sessions of the audiencia at the hours prescribed by ordinance; and he will so inform himself as to their attendance at the *acuerdos*.

[He will discover] whether they violate the secrecy which they are required to observe concerning the votes taken in the *acuerdos* by publishing the judicial decisions before sentences are signed.

He will inform himself whether there have been introduced any abuses under the guise of procedure which are prejudicial to the upright administration of justice and directly opposed to the provisions of the laws.

He will inform himself also whether there have been any excesses upon occasions when *ministros togados* have been sent out of the city upon any commissions of the royal service, wherein they have caused unnecessary expense to the places through which they have passed by allowing themselves to be entertained and courted.

Whether they have received in the way of expense accounts more salary than that provided by ley 4, título 16, libro 2 of the *Recopilación*.

Whether they have permitted themselves to be corrupted by receiving gifts from litigants, thereby causing injustice; or whether they have treated litigants with discourtesy.

He will inform himself whether they have kept and do keep the laws and royal orders which so strictly provide for and command the protection and good treatment of the Indians.

Whether they have tolerated or feigned not to notice collection of fees from the Indians by the lawyers, procurators, or counsellors at law [*relatores*] of the audiencia, when they are assigned (as they are) salaries from the half real which the Indians are taxed to this end [of paying for legal assistance].

Whether they have permitted the *alcaldes mayores* and governors to distribute to the Indians more merchandise and goods than they can or ought to accept, charging them higher prices for such goods than have been permitted in accordance with the latest royal orders.

He will proceed against the fiscals of that royal audiencia, if he finds that either of them, the civil fiscal or the criminal fiscal, has not gone to the defense of the Indians, protecting and aiding them and making for them the representations to which he is obligated by his office.

He will also proceed against the fiscals if he ascertains that they have not lent their principal attention to matters pertaining to real hacienda, making the promotion of such affairs the peculiar function of their office with the same assiduity as in matters in which the interest of the public is concerned.

He will ascertain the condition of the *juzgado de bienes de difuntos*, its cases and executions, and he will find out whether the *oidor* who is named in turn every two years as judge of such estates has complied with that which is commanded by the laws of título 32, libro 2, of the *Leyes de Indias*, procuring the most prompt remedy for any excess or omission which he may notice in the hearing and determination of suits concerning the estates of deceased persons.

He will ascertain whether abuse has been committed by any of the subordinate ministers in maliciously retarding the business of the courts, availing themselves of this method to rob litigants.

Whether they charge higher fees than those provided by schedule for the instruments which they issue to parties to suits.

He will examine the archives and judicial records to ascertain whether the papers, instruments, and royal cédulas are kept in the offices methodically and in order, so that they may be readily made use of when occasion presents.

And finally, he will ascertain whether the subordinate officers comply with the provisions of the laws of libro 2 in the títulos which speak of the obligations of the subordinate officers of the audiencias.

He will investigate the state of the income from *penas de cámara y gastos de justicia*, and determine whether the distribution of this fund is made in accordance with the commands of título 25, libro 2 of the Laws of the Indies.

He will examine the *autos* of the last visitation, of the audiencia of Mexico, made by the Inquisidor Don Francisco Garzarón, and ascertain whether the audiencia has complied with the *autos*, and the orders for proper procedure and the instructions for their observance, left by him.

And lastly, in the specific charges which may lie against any of the ministers who are to be visited, whether *togados* or subordinates, he shall bring such charges and proceed to their proof in conformity with equity and the Laws of the Indies, admitting appeals wherever permissible, to this Council, proceeding in all things with the maturity and propriety which justify the satisfaction which his Majesty has in him; and, as one who is well informed, doing his duty, notwithstanding there may be in this instruction some point omitted which ought to be expressed.

Madrid, March 14, 1765.

Don Manuel Patiño.

COPY

Instruction which Don Joseph Galvez, of the Council of his Majesty, Alcalde of his Casa y Corte, and honorary minister with seniority, is to observe in the general visitation which he is to make of the tribunals[5] and *cajas reales* of the kingdom of New Spain, in compliance with what his Majesty has been pleased to command by his royal decree of the 20th of February of this year.

The general visitation of the tribunals of real hacienda being directed to the discovery of excesses which may have occurred or are occurring in the regular business of the revenues, the collection of the current product of their accounts, and the increase of their income, he shall include all the *oficiales reales, contadores,* and any other ministers whatsoever who may have had or who have under their charge, in Mexico and the other cities, ports, and towns in the kingdom of New Spain, the administration of or any interest in the branches of real hacienda.

He will ascertain whether their administration has been good or bad, proceeding to the punishment of those who shall prove to be guilty, bringing against them the suitable charges, hearing their defense, and admitting appeal where permissible in law, to this Council.

He shall present the despatches and royal cédulas to the viceroy and the royal audiencia, that they may render obedience and punctual compliance; he will then begin his general visitation of the subtreasuries, choosing the most opportune and fitting time, so that the visitation may be made and completed in a manner that shall secure the double benefit of better service to his Majesty and to the public interests, and so that there shall not be caused that confusion which has resulted from other visitations, which were as a result of such confusion left incomplete and consequently without having caused the application of the just and legitimate measures provided for the better management and government of real hacienda and the increase of its revenues.

He will lend his particular attention to the equipment and working of the mines, their condition, the care taken in the collection of the royal fifths, and whether the supplies of quicksilver are furnished to the mines as they are necessary, and by what means the production of precious metals may be made more copious.

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[5] The word tribunal is here used to designate the administrative offices of real hacienda, in which semi-judicial affairs were conducted.

Assuming that this minister is aware of the ends to which his commission is directed, and that a detailed instruction would be useless, inasmuch as all that concerns the method of keeping accounts, collecting balances, the obligations of *contadores* and *oficiales reales* is contained in the thirty títulos of libro 8 of the *Recopilación de Indias;* and inasmuch as he will also have to examine the ordinances, royal cédulas and orders which have been communicated to the tribunals of real hacienda, under the terms of which he will have to note and observe the fulfillment of their obligations by all classes of ministers of real hacienda, their tribunals and offices, and in which perfect rules are given for everything that is to be observed and done: it is for these reasons held superfluous to copy into this instruction such a large number of royal laws and ordinances, it being sufficient to leave the matter to the acknowledged intelligence and prudent discretion of this minister, who will direct his zeal and attention to bearing all those laws and ordinances in mind, in order that he may operate in conformity with their provisions, avoiding confusion and not failing to accomplish the good effects desired, namely, that actually proven frauds are punished, and that unsettled accounts may be closed by the collection of any balances which may appear due.

He will see to it that sums derived from the settlement of suits, either by way of restitution, advances, and deposit with real hacienda, or in [punishment of] fraud, or from closing of old accounts or current ones in all branches of real hacienda, or from monetary fines imposed by the visitation, or in any other form whatsoever, shall be deposited in the royal treasuries with distinct expression of their origin; and in the same manner, with separate expression of their origin, he shall remit all such sums as occasion offers on national ships [*navíos de bandera*] to these kingdoms [Spain], enclosing in his letters to his Majesty accounts of moneys sent for the royal treasure.

Finally, he shall name at his discretion a notary and an accountant of the general visitation of the treasuries, who shall be skillful and capable for the most perfect transaction of business; he shall also name an *alguacil* who shall execute the orders that shall be given. The salaries of these officers shall be paid according to schedule from the moneys collected as a result of the visitation. In all things else which may present themselves for the better and most perfect fulfillment of his commission he will use such measures and that judgment which his prudence may dictate for the better service of his Majesty, the good of his vassals, and the greater advancement of the royal interests, working in all things in conformity with law.

Madrid, March 16, 1765.

Don Manuel Patiño.

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GULF OF MEXICO
GUADALAJARA
MEXICO
DE LA PUEBLA
INTENDENCIA DE OAXACA
MERIDA

[illegible] Map Illustrating *José de Gálvez, Visitor-General of New Spain, 1765–71*, showing points of interest mentioned in the text, and the boundaries of the intendancies in 1815. Compiled by Herbert Ingram Priestley, 1916.